LABOUR
IN
ANCIENT INDIA

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VORA & CO., PUBLISHERS PRIVATE LTD.,
3, Round Building, Kalbadevi Road, BOMBAY 2.

First Edition
February 1957

Price : Rupees Five Only

Published by M. K. Vora, Vora & Co., Publishers Private Ltd.
3, Round Building, Kalbadevi Road, Bombay 2.
&
Printed by J. D. Desai at the Rashtra Vaibhav Press,
273, Vithalbhai Patel Road, Girgaon, Bombay 4.

DEDICATED

TO

MY PARENTS

CHRONOLOGICAL TABLE

Pre-Vedic Period	Before 3000 B. C.
Vedic Period	3000 B. C.—1400 B. C.
Brahmans	1400 B. C.—1000 B. C.
Srauta Sutra and Upanishads	1000 B. C.—400 B. C.
Gautama and Baudhayayana Dharmsutra	600 B. C.—400 B. C.
Apastamba and Vashishta Dharmsutra	500 B. C.—400 B. C.
Kautilya's Arthashastra	320 B. C.—300 B. C.
Manusmriti	300 B. C.—200 A. D.
Yajnavalkya Smriti	100 A. D.—300 A. D.
Vishnu Smriti	200 A. D.—400 A. D.
Narad Smriti	400 A. D.—600 A. D.
Brahaspati Smriti and Katyayana Smriti	400 A. D.—650 A. D.
Shukraniti	750 A. D.—850 A. D.

PREFACE

I do not know if I can claim originality for presenting this study of the conditions of work and living of labour in ancient India but, I must say that, one of the various reasons which prompted me to undertake this work has been the absence of any research work on such an interesting subject. Researches conducted, in the past, were mainly on the side of ancient Indian religion, philosophy, art, literature and polity but the possibilities of research in this particular field were not explored. This explains for the present venture.

Those who have dived deep into such historical studies would be well aware of the enormous difficulties and limitations under which work on such subjects has to be carried out. One of the many limitations, probably the foremost, is that of interpreting old sanskrit texts correctly. Interpretations given by different scholars of the same texts, are often widely different. Paradoxical situations often arise in which explanations and interpretations though widely different from each other, appear plausible. The research student, has, in such cases, to take the risk of interpreting things the way, he thinks would approximate to truth.

The other difficulty is that of getting an ordered chronology of the ancient literary and legislative works. Historians differ widely on the dates which gives rise to uncertainty and drowns one in confusion. For example, inspite of the voluminous researches on the Vedic and post–Vedic periods the dates of the Vedic period are still not correctly known. An authority like Oldenberg thought the earliest year of the Vedic period to be 1200 B. C. According to Jacobi, it was

between 3000–2000 B. C., while Winternitz considered 2500 B. C. as the correct date. Haug's estimates range from 2400 to 2000 B. C.

Similarly, there is a lot of controversy about Kautilya's "Arthashastra" which is supposed to have been written between 320 B. C. and 300 B. C. Drs. Hillebrandt and Winternitz thought that Kautilya's Arthashastra was not written by Kautilya himself but by his disciples and hence the date of Arthashastra would be somewhere in the vicinity of 300 A. D. These scholars have based their belief on the language of the Arthashastra wherein Kautilya's name has been used in the third person at certain places. This contention would appear to be baseless if one cares to read, a bit carefully, the beginning and the concluding sentences of the Arthashastra and reconciles the date of Arthashastra with the date of enthronement of Chandragupta Maurya. Similar doubts are expressed regarding the period of the composition of Manu–Samhita. While Prof. Jolly considers it to be of a date not later than 2nd or 3rd century A. D., Prof. Buhler thought it to be between 200 B.C. and 200 A. D. Confusion in such cases is worst confounded and becomes a problem for the authors on historical subjects. A chronological table has, however, been given which, to my mind, is approximately correct. In arriving at these dates I have largely relied on the dates given by Profs. Jolly, Buhler and Shri Kane.

My efforts would, be amply rewarded if the present book succeeds in paving ground for further researches on the subject.

I feel grateful to those celebrated authors of various Samhitas, Dharmasutras, Smritis etc. and of books on ancient

history whose works served as a beacon light to me. I must also thank my friends particularly Shri Vedanand, Shri Y. S. Naik and Prof. S. B. Varnekar who encouraged me to undertake this work. I am, however, particularly indebted to Dr. M. M. Metha, D. Phil., D. Litt. (Econ.), without whose encouragement and help it would have not been possible for me to bring out this work. I may, however, make it clear that the views expressed in this book are personal and not official.

Nagpur
January 1, 1957

K. M. SARAN

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CHAPTER I

Social Structure And Occupations In Ancient India

Ancient Indian history is a fascinating study, for it bears ample testimony to the fact that among the three ancient countries—India, China and Egypt—whose civilisations and cultures had reached the peak of glory in the past and which had contributed enormously to the development of sciences, arts and literature, the contribution of the ancient Indian apostles to the various branches of social and physical sciences was predominant and unique. The contributions of the ancient Indians to philosophy, ethics, economics, politics, jurisprudence, astronomy, astrology, medicine, arts and literature and other branches of knowledge are still out-ranking and offer a solution to many problems which are regarded as insoluble today.

While valuable contributions were being made in the field of spiritualism and various branches of knowledge, the materialistic side was not ignored. The ancient Indians had also excelled in agriculture, industry, trade and commerce. They had established a reputation for having developed the science of agriculture and for having acquired splendid mastery over various arts and crafts. Historians are one-idead in suggesting that agriculture was quite a flourishing industry in ancient India; in their opinion the practice of ploughing could be traced back even to the Indo-Iranian times. The description given by Hiuen Tsang of a wide variety of crops grown in India is no doubt a very reliable proof of the extent to which agricultural industry was developed in those days. More evidences are available in Kautilya's Arthashastra and in quite a good number of ancient Indian scriptures.

History also bears evidence that Indian traders carried on maritime traffic and overseas trade with China, Indo-China, Greece and Rome. Asoka's inscriptions show that India had connections (presumably trade and political connections) with Asia-minor and near-west countries. According to

V. A. Smith, Pliny in the first and Ptolemy in the second centuries A.D. testified to the trade of India with the Roman empire.[1] In his study of Vatsayayana's Kamasutra, Chakladar came to the conclusion that India's foreign trade was developed enough at the time of Fahien's visit.[2] There is evidence of trading voyages to Burma, Malaya and Ceylon in early Magadhan epoch and some evidence of India's trade with foreign countries in the Rig Vedic days is also available.[3] A recent book—" Hindu-America "—throws enough light on the trading operations carried on by the ancient Hindus in the places around the present Panama Canal. Further evidence is available in some of the authoritative works on ancient Indian history.[4 & 5].

The remains of the ancient Indian civilisation unearthed at Mohenjodaro, Harappa, Kaushambi and the various inscriptions found all over the country show that the development of goldsmithy, blacksmithy, carpentry, ivory-carving, ceramics industries and spinning and weaving of yarn and cloth was phenomenal in ancient India. The fact that these industries were fully established and well developed as early as 320 B. C. is proved by Kautilya's

1. V. A. Smith–"Early History of India"—3rd edition pages 438–44.
2. H. C. Chakladar–"Social life in Ancient India"—2nd edition (1954) page 107.
3. Majumdar, Ray Choudhuri and Datta–"An Advanced History of India" Pages 35 & 81.

4. There is further evidence of India's foreign trade. "According to a Chinese book Funantu–Suhtchuan written in the 3rd century A. D., Kuntien or Kaundinya founded an Indian Colony in Indo-China about B. C. 53 and it soon grew up into a great centre of foreign trade in that quarter."–H. C. Chakladar–"Social Life in Ancient India" page 105.

5. It has been stated by Majumdar, Ray Choudhuri and Datta in "An Advanced History of India" (Macmillans, London-1953) that India had trade connections with Syria, Egypt and other Western countries. They have also given an instance of the times of Euergetes II (145–116 B. C.) to show that Indian navigators ventured on the high seas presumably for trading purposes (page 136).

Doctor B. G. Gokhle in his book "Ancient India–History and Culture" (Asia Publishing House, Bombay 1954) traces trade relations in the period represented by Jataks. According to him Bharukaccha (Broach), Supparaka (Sopara), Tamralpiti (Tamluk) and Pallava were the ports through which trade was carried on by the ancient Indians.—Page 128.

Arthashastra. Hiuen Tsang's accounts go a long way to testify to the development of Muslin, Calico, Linen and Wool spinning and weaving industries in the 7th century A.D.. Banabhatta gives a list of such articles as Kshauma, Jatipattika and Chitrapat, Amsuka, Lalatantu, Netra, Dukula, Pushpapatta, Pulakharda and some other varieties of silk and cotton cloth. Amarkosa gives a wide variety of clothes used for different purposes as well as of the materials used for the manufacture of cloth. The sculpture and architecture of the Gupta age and the famous iron pillar at Delhi testify to the high degree of skill the stone cutters and the blacksmiths had achieved. A large number of guilds, to which we shall make a reference in a subsequent chapter, show the arts and crafts which were developed in ancient India. The evidences available of the Satavahana age prove that even hydraulic engines were used in those days. Greek authors have also given vivid accounts of the manufacture of arms, weaving of cloth embroidered with gold and ship-building industry in Mauryan times.

It is believed that so much development was to a great extent the benediction of the system of Varna and castes which, by virtue of its occupational bias, made specialisation in particular arts and crafts possible, and helped in the passage of such knowledge from one generation to the other. It necessitates a study of the system of Varna and Castes and the purpose such a system was supposed to serve.

II

Social Structure

It is an established fact that ancient Hindu society was divided into four main Varna, viz., Brahmana, Kshattriya, Vaisya and Shudra. This system of Chaturvarna owed its origin to the colour and race prejudices and a sense of self-imposed divinity of the Aryans. Originally the Indian society was divided into two broad categories viz., "Aryan" and "Anarya" (or Dasyu)—Anarya being the dark-skinned indigenous people, enemies of the Aryans. (Rig-Veda I-51.8; VII-6.3 and Taittiriya Saṃhita IV-3.11.3). But by the time

Purusasukta (Rig-Veda-X) came to be written the Aryan society had been divided into 3 Varna viz., Brahmana, Kshattriya and Vaishya of which we find a reference in the Artharva-Ved also : "A Brahmana is indeed her husband, not a noble (Rajanya) not a Vaishya"[6] (V-17.9) It appears that with the passage of time some of the Anarya were also absorbed in the Aryan society as the fourth Varna—the Shudra[7] (once born people who were neither entitled to receive the sacred knowledge of the twice born Aryans nor were supposed to enjoy any independent status or privileges). Gradually these four classes came to represent four stages of a man's development : the man of knowledge and learning was known as a "Brahmana" ; the man of valour and action was termed a Kshattriya ; the traders and the agriculturists were called "Vaishya", and the manual workers were named "Shudra". It was long before the introduction of the institution of castes and sub-castes, and when birth was not attached much (or any) importance in deciding the status of a man in society. A man was then supposed to take birth as a Shudra, his thread ceremony made him a twice-born man, and he could become a perfect man—a Brahmana—through toil, study, ethical and spiritual drives. It was stated in "Santi-Parvan" (Mahabharata) : "He who is pure, consecrated by sacraments, has studied the Veda, performs the rites of purification and religious observances, eats the remains of oblations, is attached to his religious teacher, and devoted to truth is called a Brahmana ; He who performs the duties of a ruler, and studies the Veda is called a Kshattriya ; He who takes to trade and cattle breeding, agriculture and acquisition of wealth, is pure and perfect in the study of the Veda, is a Vaishya, but one who takes all kinds of food, does all kinds of work, is unclean and has abandoned the Veda and does not practice pure observances is a Shudra. If these were not in a Shudra but were found in a Dvija (twice born), a Shudra would be no Shudra and a Brahmana no

6. Whitney's Translation of Artharva-Ved" Vol.-VII-Page 249.

7. In Purusasukta (Rig-Veda X-90) we find the words "Brahmana", "Rajanya", "Vaishya" and "Shudra" being used probably for the first time in ancient Indian literature.

Brahmana" (189 : 2–8). Similar verses appear in Bhagvada-Gita (Ch. XVIII : 41–44). The observance of एष वै ब्राह्मण ऋषिरार्षेयो यः शुश्रुवन् ॥ in Taittiriya Samhita (6.6.1.4.) and किं ब्राह्मणस्य पितरं किमु पृच्छसि मातरम् । श्रुतं चेदस्मिन् वेद्यं स पिता स पितामहः ॥ in Maitrayaniya Samhita (48.1 ; 107.9) also prove that merit and not parentage was the criterion of the status of a man in society. It is thus apparent, and has been corroborated by various researches on the problem that the four Varna which were symbolic of the priestly, warring, industrial and trading and manual occupations, were largely created on the basis of cultural, social and intellectual achievements of the people and the nature of the vocations they chose for their livelihood.

There can be little doubt as to the wisdom underlying such a division of society and the usefulness of the purpose it was supposed to serve. A society, whether primitive or progressive, needs a plan and a guide for its development, an authority to impose it, agriculturists, industrialists and traders to cater to the needs of the people and some to do the manual and low work. And it would be seen that in ancient India Brahmana were there to teach and guide, the Rajanya (Kshattriya) to take and enforce decisions and protect the people, the Vaishya to supply the necessaries of life and the Shudra [8] to do the manual work [9]. A better occupational division of society could probably not have been possible.

The castes and sub-castes came to develop when birth came to be attached much importance in deciding the social status and the occupations of the people. This switch-over from Varna to castes and sub-castes was not sudden but gradual and was largely due to the narrow-mindedness of the social leaders, particularly Brahmins, who everytime an invasion took-place, found their importance discounted. Dr.

8. There is, however, evidence to prove that Shudra also engaged in handicrafts. Rhys David wrote : "And last of all came the Shudra, which included the bulk of the people of Non-Aryan descent, who worked for hire, were engaged in handicraft and service and were darker in colour".–"Buddhist India" Page 39. (Published by Susil Gupta (India) Ltd.).

9. See Dr. R. K. Mukerji's "The History of Civilization in Ancient India" - Vol. I - Page 236.

S. Radhakrishnan, the eminent philosopher, believes that the caste system was the result of the protests of the Hindus against the absorption into Hindu society of such tribes as Saka, Yavan, Pahlava and Kushan and that birth came to be the criterion on account of the difficulties of determining castes without allowing other races to merge into one [10] There can be little difference of opinion on this belief.

Prior to this period, when birth was not attached much importance, admission of non-Aryans into Aryan society was not forbidden. Sardar K. M. Panikkar records that Vratya-Stoma in Sama-Veda lays down even the process of admission of the Non-Aryans into the Aryan fold. [11] People were free to choose their vocations but later on when birth came to be the criterion of caste and Varna, the nature of occupation a person could adopt and the stage of development he could aspire to achieve—because of the occupational (Karma) basis of the theory of Varna—began to be determined by births. The days of equality of men at birth and of taking up a profession for which they had an aptitude were thus gone. Now a person for example, born of a Shudra could not in any case be allowed to rise above that class. He was to perform all the duties of a Shudra (low and menial work) throughout his life, whatever his talent.

A century or two later the conditions changed for the worst. Caste restrictions were made so rigid and taxing that a Shudra could not even hear or talk of higher aspects of life. He was forced by the society to remain illiterate, mean in manners and outlook. On the other hand, a Brahmana, howsoever, low or mean in nature and in deeds, was regarded as the kin of God—the Almighty. He was beyond the control of the kings and the law. It was, for example, laid down in Parashar-Smriti that a mean Brahmana is respectable but not a pious or learned Shudra for who would prefer to milk a peaceful female donkey over a bullying cow (दु:शीलोऽपि द्विजः पूज्यो

10. See S. Radhakrishnan's "Eastern Religions and Western thought" (1939) Page 373.

11, "A Survey of Indian History"—K. M. Panikkar, Asia Publishing House, Bombay (1954)—Page 13.

न तु शूद्रो जितेंद्रियः। कः परित्यज्य गां दुष्टां दुहेच्छीलवतीं खरीम् ॥ [12] Similarly, we find stated in Vraddha Gautama Smriti : दुर्वृत्ता वा सुवृत्ता वा प्राकृता वा सुसंस्कृताः॥ ब्राह्मणा नावमन्तव्या भस्मच्छन्ना इवाग्नयः॥ and in Anusashanparva (Mahabharata): "अविद्वान् ब्राह्मणो देवः पात्रं वै पावनं महत्। विद्वान् भूयस्तरो देवः पूर्णसागरसंनिभः। एवं यद्यप्यनिष्टेषु, वर्तते सर्वकर्मसु। सर्वथा ब्राह्मणो मान्यो दैवतं विद्धि तत्परम् ॥

Among the various disabilities which a Shudra was obliged to suffer from, those relating to his position in society were the worst. He was considered so low that he could neither study Veda nor could reach nearabout the place where Veda were being read [13]. There was, however, not so much rigidity in Vedic times as we find in the period represented by Dharmashastras and Smritis. The punishments for the offence of hearing or reciting the verses of the Veda or for mastering it were the most tyrannising. It was laid down in Gautama Dharmasutra that if a Shudra heard the recitation of the Veda with the intention of learning it by heart his ears were to be filled up with molten lead or lac and if he dared to recite the verses of the Veda his tongue was to be chopped off and if he mastered Veda his body was to be torn to pieces. [14] The Shudra were considered to be impure for a longer period (than the Dvija) in cases of death or birth. They could not be appointed as judges. They could not even touch the Brahmana. The Shudra also had no right to the 'four ashramas'. "शूद्रोऽहं नाधिकारो मे चातुराश्रम्यसेवने ॥" They were also forbidden from amassing wealth by their toil [16] and if they saved something from their

12. Parasharsmriti–8. 33

13. अथापि यमगीतान्श्लोकानुदाहरन्ति। श्मशानमेतत्प्रत्यक्षं ये शूद्राः पादचारिणः। तस्मानच्छूद्रसमीपे तु नाध्येतव्यं कदाचन ॥ Vasisthasmriti-18-13. Similar indictments are found in Gautama Dharmshutra 16.18.19; Apastamba Dharmashastra 1. 3. 9. 9 and Yajnavalkya–Smriti I-148.

14. "अथ हास्य वेदमुपशृण्वतस्त्रपुजतुभ्यां श्रोत्रपूरणमुदाहरणे जिह्वाच्छेदो धारणे शरीरभेदः ॥" —Gautama Dharmasutra 12-IV.

15. Anushashanparva—165—X.

16. शक्तेनापि हि शूद्रेण न कार्यो धनसञ्चयः। शूद्रो हि धनमासाद्य ब्राह्मणानेव बाधते ॥ —Manusmriti X—129.

earnings such savings could be used for the support and benefit of the people of other Varna (i. e. Dvija) [17].

The dignity of Shudra labour which was predominantly unskilled was not given due recognition nor any importance was attached to his life. He could be abused, kicked and killed and the penance for it was the lowest. It had been laid down in Gautama Smriti, [18] Apastamba Dharmasutra [19] and Manusmriti [20] that the penance for killing a cat, a crow, a peacock, a frog, a dog, a musk-rat, a chameleon or a flamingo was the same as that, for killing a Shudra. And this was not enough. If a Shudra said any harsh word to the men of the Dvija Varna his tongue was chopped off; if he abused "Dvij-Varna" or a "Dvija" a red hot iron measuring more than six inches was thrust into his mouth and if he dared to convince a Brahmana of a Brahmana's duties boiling oil was poured into his ears and mouth. [21] Labourers were obviously attached no importance. They enjoyed no social privileges.

Different authors have thus attached importance in varying degrees to the different elements responsible for the origin of the caste system in India and have differed widely on the purpose the system was supposed to serve. While authors like Sidney Low, [22] Abbe Dubois, [23] and Meredith Townsend [24] have highly praised the system of the four castes in India on grounds of the purpose it was supposed to serve, authors like Sherring, Maine and Fick have vehemently criticised and condemned it apparently for the vices the system came to develop subsequently. Sherring condemned it as "the most baneful, hard-hearted and cruel social system that could possibly be invented for damning the

17. Gautama Smriti—X—64. 65.

18. XXII, 14-16

19. I. 9. 25. 14; I. 9. 26. 1

20. X.—131

21. Manusmriti VIII—270-272.

22. " Vision of India (1907) p. 262—263.

23. English Translation of J. A. Duboi's "The Character, manners and the customs of the people of India" (1817) Page 14.

24. "Europe and Asia" Page 72.

human race;"[25] Maine described it as "the most disastrous and blighting of all human institutions."[26] Despite all these vices which developed in the system of castes with the acceptance of birth as the criterion of Varna, the importance of the four-fold occupational division of society and the purpose it was required to serve could not be discounted. It continued to be served in the latter centuries as well.

III

Occupations And Sources Of Labour Supply In Ancient India

The above account makes it clear that occupations in ancient India could be broadly classified as (a) Priestly (b) Warring (c) Agricultural, Industrial and Trading and (d) Manual and others. These were the vocations of the Brahmana, Kshattriya, Vaishya and Shudra respectively.

Priestly occupations were open to Brahmana only. Important ranks among the priestly occupations were those of the teacher (Acharya), priests (Adhvaryu or Brahma), astrologers (Ganaka or Naksatradersa), reciters of verses (Gayatrin), physicians (Bhisak) and of priests presiding at sacrifices (Ritvij or Ritvik). Even today these are the exclusive vocations of the Brahmana.

The duty of the Kshattriyas was to protect the people. Earlier men of strong built and valour, well versed in the art of fighting, were usually known as Kshattriya. There is evidence to prove that the invaders belonging to the Kushan, Hun, Saka, Pahalva and other tribes were absorbed in Hindu society as Vratya-Kshattriya since they belonged to militant races. In fact all people belonging to the ruling class or to the police force or militia, were usually regarded as Kshattriya. Even in the following centuries preference for recruitment to the posts of Senapati, Amatyas, Ugra, or Jivagrbh was given to the people of Kshattriya Varna.

Cattle rearing—whose origin is traceable to the pre-Vedic and even early Rig-Vedic days—was a remnant of the

25. "Hindu Tribes and Castes"—M. A. Sherring-Vol. III. Page 293.
26. "Ancient Land"-Maine (1930) Page 17.

pastoral Aryans and was latter allotted to the people who tilled the soil viz., the Vaishya. The people of the Vaishya Varna employed herdsmen and landless labourers (who were predominantly Shudra) for rearing their cattle and helping them in agricultural operations particularly as Kisana or Krisivala (ploughmen), Vapa (Sower), Dhanyakrit (Husker), Gopa or Gopala (Cowherds), Avipala or Ajapala (Goatherd), Pasupa (herdsmen) etc. Women workers usually helped their men-folk and some of them were also employed as Upalapraksini (groat-makers).

Among other occupations which were allotted to the Vaishya were money lending, trading and industrial occupations. The use of such words as Vanija, Vanijya, Kusidin etc. in ancient books, particularly in reference to the people of the Vaishya Varna, is its proof. Kautilya's Arthashastra, Manusmriti and other scriputures also lend their weighty support to such views. Industry was thus the main occupation of the Vaishya. Among the important industrial occupations in which people of ancient India were engaged, the Smelters, Smiths, Potters, Bow makers, Arrowmakers, Carpenters, Stone-carvers, Carvers, Basket makers, Jewellers, Dyers, Weavers, Embrodiers, Chariot-makers, Rope-makers, and Wine-distillers, etc. deserve special mention.

Women predominated in embroidery, spinning and weaving.

Manual and unskilled occupations were considered to be low and were thus left for the Shudra. But the Shudra could also follow some of the vocations of a Vaishya—he could engage in agriculture, carpentry, cattle rearing, trade, drawing and painting, dancing and singing and playing on musical instruments as appears from: "शूद्रधर्मो द्विजातिशुश्रूषा पापवर्जनं कलत्रादिपोषणं कर्षणपशुपालनं-भारोद्वहन-परामव्यवहार-चित्रकर्म-नृत्य-गीत-वेणु-वीणामुरजमृदङ्गवादनादीनि[27] ॥

The following sloka in Mahabharata also conforms to this view:

वाणिज्यं पशुपाल्यं च तथा शिल्पोपजीवनम् ।
शूद्रस्यापि विधियन्ते यदा वृत्तिर्न जायते ॥[28]

27. Yajnavalkyasmriti (Deval's commentary)
28. Shantiparva—295.4

It also appears from Naradsmirti that in the days of national distress or emergencies a Shudra could also be employed as a warrior which was the recognised vocation of Kshattriya :

"उत्कृष्टं चापकृष्टं च तयो कर्म न विद्यते ।
मध्यमे कर्मणी हित्वा सर्वसाधारिणी हि ते ॥"
मध्यमे द्वे कर्मणी क्षत्रवृत्तिर्वैश्यवृत्तिश्च (असहाय:)[29] ।

Among other arts and crafts and the work that a Shudra could do the following are traceable from the Muga-pakha Jataka : (1) Weaving of cotton cloth, woollen blankets and silk (2) Mining (3) Carpentry (4) Masonry (5) Singing, dancing and acting (6) Menial work—e. g. the work of bath servants, shampooers, barbers, washermen, scavengers, news-runners, household servants, utensil-cleaners etc. (7) Potters (8) Dyers (9) Basket-makers (10) other services like those of soldiers, troopers, scribes, charioteers, agricultural labourers etc. Some passages of the Apastamba Dharam-sutra, Manusmriti and Vishnusmriti state that food cooked by a Shudra, who was not impure, could be taken. Thus, Apastamba Dharamsutra states that a Shudra supervised by Aryans (Dvija) could work as a cook after shaving his hair and beard, paring his nails and bathing.[30] Manusmriti, Yajnavalkyasmriti[31] and Vishnusmriti laid down certain categories of Shudra food cooked by whom could be taken by the Dvija e. g. food cooked by a Shudra partner, family friend, cowherds, barbers and servants etc. आधिकः कुलमित्रं च गोपालो दासनापितौ । एते शूद्रेषु भोज्यान्ता यश्चात्मानं निवेदयेत् ॥ [32]

These quotations go to prove that a Shudra could also be a cook for Dvija provided he cooked under the supervision of the Dvija after purifying himself in the prescribed manner.

It would thus appear that the duties of a Shudra were not restricted to manual and unskilled work alone. He could also serve as a household servant, as industrial and

29. Naradsmriti—4.58
30. Sacred Books of the East-Vol. II-Page 104.
31. Yajnavalkyasmriti—I. 20.
32. Manusmriti—IV—253

agricultural labourer or could earn his living by singing, dancing, painting, or acting etc.

We thus find that the Brahmana class was mostly engaged in astrology, teaching, medicine and religious and sacramental occupations; the Kshattriya class, being the warrior class, was employed for defence and administrative purposes, the "Vaishya" engaged in money-lending, agriculture, arts and crafts, while the Shudra did menial jobs and also worked as industrial, agricultural and pastoral workers. With regard to it Manu said : ब्राह्मणस्य तपो ज्ञानं तपः क्षत्रस्य रक्षणम्। वैश्यस्य तु तपो वार्त्ता तपः शूद्रस्य सेवनम्॥ (Manusmriti : 11–236). Shudra was, thus, the serving class.

The demand for labour (physical and manual) in ancient India was from three main sources viz., the State, agriculture and industry, and households. The ruling princes employed persons in various capacities right from a sweeper or attendant to the warring general. Except for the militant and priestly jobs, manual and physical jobs were entrusted to the Shudra. Menial workers were also in demand in the households of the Dvija (the twice born class viz., Brahmana, Kshattriya and Vaishya) and the guilds of merchants or industrial workers. Men were required to perform the duties of herdsmen, goatherds, shepherds, agricultural and industrial workers also. Demand for such workers was generally from the Vaishya who engaged in agriculture, trade, industry and cattle breeding and from the craft guilds. Shudra were often called upon to do such work though work of such nature was sometimes also taken from the slaves.

The supply of labour was mainly from three sources: (1) Slaves (Dasa or Dasyu)–Menials (2) Shudra (Menials cum unskilled industrial workers) and (3) Vaishya (Craftsmen). Though Shudra could also be employed as craftsmen but skilled craftsmen were usually found among the Vaishya. The fact, however, remains that the Vaishya and the Shudra were the people who performed productive tasks. The bulk of the supply of skilled and unskilled labour was from these two classes. Some labour supply often came from the Dvija in distress.

Though Shudra alone were the serving class yet men of the higher varna could also take up the vocation of a Shudra (i. e. could do low and manual work) in times of distress. Manusmriti expressely states that a Vaishya could take up the vocation of a Shudra in case he was not able to make his living by the work alloted to his Varna but he must give up the same as soon as he was relieved of the distress that had overtaken him: "वैश्योऽजीवन्स्वधर्मेण शूद्रवृत्त्यापि वर्तयेत् ॥ अनाचरन्न कार्याणि निवर्तेत च शक्तिमान् ॥ [33] Similarly a Brahmana could become a cowherd or take to agriculture if he was in distress उभाभ्यामप्यजीवंस्तु कथं स्यादिति चेद्भवेत्। कृषिगोरक्षामास्थाय जीवेद्वैश्यस्य जीविकाम् ॥ [34] The Brahmana could also be employed as a soldier in times of distress but it was pre-ordained that he would return to his original vocation as soon as he was free of the trouble.

There is some evidence in the Smritis and Dharmashastras for regarding a Brahmana, who did not perform "Samdhya" or who was not learned in Veda or who had permanently become a money-lender, an artisan, actor, cowherd or a servant, like Shudra [35] and it was enjoined on a king of religious disposition to give the work of a Shudra or a labourer to such Brahmana.[36] Thus we find that under certain circumstances Dvija also formed a part of the labour force in ancient India.

33. Manusmriti : 8.98

34. Manusmriti : 10-82

35. अश्रोत्रिया अननुवाक्या अनग्नयो वा शूद्रसधर्माणो भवन्ति। मानवं चात्र श्लोकमुदाहरन्ति। योनधीत्य द्विजो वेदमन्यत्र कुरुते श्रमम्। स जीवन्नेव शूद्रत्वमाशु गच्छति सान्वयः ॥ —Vashistha Dharmashastra Ch. III—1.2

36. सायं प्रातः सदा संध्यां ये विप्रा नो उपासते। कामं तान् धार्मिको राजा शूद्रकर्मसु योजयेत् ॥—Baudhayana Dharmashastra—Ch. II : 4.20.

CHAPTER II

The Institution Of Slavery In Ancient India

History bears testimony to the existence of slavery as a continuous component of the social and economic life in ancient India. It is traceable even to those days when India was regarded as the most enlightened among the family of nations. Slavery then existed not only in India but in countries of glorious antiquity like Greece, Egypt, Rome and Babylonia. It existed as a general feature of the social life of the primitive people in Malaya Archipelago, Indo-China and Africa and as an institution which probably needed no change or to which no ethical approach was considered necessary. Slaves were supposed to have been pre-ordained by nature or divine decree to toil in order that the favoured few could live "in ease and affluence".

Mr. William Linn Westermann observed : "That slavery already was established as a recognised institution in the Sumerian culture of the Babylonian area in the fourth millenium B. C. may be confidently assumed from the fragments of Sumerian legislation upon slaves which date from the first half of the third millenium".[1] The Sumerian legislations indicate that prisoners of war and people of other countries were regarded as slaves who could be bought or sold in the open market. But then the slaves were not subjected to such inhuman treatment as in the latter years. It is said that the code of Hammurabi (about 2100 B. C.) gave enough rights to persons who were compelled to embrace slavery due to non-payment of debts, inheritance (having been born of a slave) or for having been purchased or taken prisoners in war. The slaves, though considered a commodity and pre-ordained to live a life of servitude, were allowed to marry a free woman, to engage in trading occupations and to acquire proprietory rights over property. They could become free either by self-purchase or on being adopted by the master or by getting manumission. Later, under Hebrew laws, a slave, if

1. Encyclopaedia of the Social Sciences Vol. XIV Page 74.

of Hebrew birth, could be manumitted after the completion of six years of slavery or on being permanently disabled.

Slavery featured in Greece as far back as 1200 B. C. Quite contrary to the treatment meted to the slaves in other contemporary countries, Greek masters were extremely polite and humane; naturally the conduct of the slaves was one of affection and loyalty. Upto 800 B. C. there was not much sale or purchase of the slaves but when Greeks began the expansion of their colonial possessions, and when their handicrafts came to be developed, sale and purchase of slaves began to take place. Though slavery for non-payment of debts was abolished in 594 B. C. yet the supply of slaves was in no way lessened and the demand for slaves continued to be met by carrying on kidnapping expeditions and purchasing slaves from the non-Greeks. Besides the unbroken wars between the Greek city-states were also a good source of slave supplies. Similarly in Rome slaves were either captives of war or kidnapped or purchased persons. Their labour was generally utilized in the plantations or on the fields or for domestic purposes, but the conduct of masters towards them was more or less inhuman and barbaric. Except for the reason that " even at its worst, life is cherished, the subsititution of slavery to death frequently had presented little choice to the slave. " His hours of work were limited only by physical exhaustion ; it was supposed to be a folly to attempt to save the life of a slave when every new conquest brought in a long stream of captives as slaves at such low prices that it was more profitable to wear them out rather than conserve them.

The fact that slavery existed in ancient India, admits of little doubt, but whether conditions were so condemnable as in Rome is very much doubtful. We find numerous quotations in the Rig Veda regarding " Dasa " " Dasyu " or the slaves. These " Dasa " or " Dasyu "—who were either captives of war or people of low mentality—were regarded as " Anarya "—the enemies of the Aryan (the law abiding people); that was the reason for their being kept in servitude. There is ample evidence to prove that even in the Rig Vedic days, ownership of slaves could be

transferred from one Aryan to the other.[2] For example we find at one place in the Rig Veda a person asking for a present of one hundred slaves (शतं दासाँ अति स्रजः ॥)[3]. Similarly, we find at another place quoted— अदान्मे पौरुकुत्स्यः पञ्चाशतं त्रसदस्युर्वधूनाम् ॥[4] which goes to prove that in ancient India female slaves were also owned; the existence of female slavery is also confirmed by Chandogyopanished (प्रवृत्तोऽश्वतरीभ्यां युक्तो रथोऽश्वतरीरथो दासीनिष्को दासीभिर्युक्तो निष्को हारी दासी निष्कः)[5]. Besides Veda and Upanishad, we find a number of slokas in Manusmriti, Yajnavalkyasmriti, Naradsmriti, Kautilya's Arthashastra etc., regulating the duties of the slaves. Evidence of the existence of slavery is also found in Jatakas, particularly in the Vidura-pandita Jataka, Kulavaka Jataka, Asampadana Jataka, Nanda Jataka, Nanacchanda Jataka, Namasiddhika Jataka, Katahaka Jataka, Durajana Jataka, Cullasethi Jataka, and Sattubhasta Jataka. The Vidura-pandit Jataka gives us the four classes of slaves viz. (a) Children of slaves; (b) slaves for food and protection; (c) purchased slaves and (d) those who accepted others as their masters. The Kulavaka Jataka brings to our notice a case where a tyrant headman was enslaved, by the King, by way of punishment; the Gangamala, Uraga and Kalakanni Jatakas refer to the kind treatment meted to the girl slaves; the Asampadana Jataka refers to the kind treatment towards slaves and the loyalty they evinced to their masters; similarly Nanda and Nanacchanda Jatakas show the confidence the masters had in their slaves. On the other and Namasiddhika Jataka shows how cruel the masters and mistresses were to their slaves. That the master had the power to imprison or brand his slave is proved by the Katahaka and Cullasethi Jatakas; the Vessantara Jataka points out to the fact that even princes and princesses could be reduced to the status of slaves. The Durjana, Nanda and

2. Rig Veda	I	51.8 ; 103.3 ; 117.21	V	70.3
	II	11.2.4.18.19	VII	5.6
	III	29.9	VIII	5.38 ; 19.36 ; 56.3

3. Rig Veda VIII - 56.3

4. Rig Veda - VIII - 19.36

5. Chandogyopanishad (Shankarabhasya) V–13.2

Sattubhasta Jatakas refer to the prices of slaves. All these go to prove that slavery existed in ancient India. The Apastamba Dharmasutra which prohibited the sale or purchase of slaves by Brahmanas (1.20.15) also lends its support to this belief. It is further corroborated by some characters in ancient dramas, for example the characters of Sthavaraka and Madanika in "Mrichchhakatika" of Sudraka (believed to be written during Gupta Age) bear testimony to the existence of slavery in ancient India. Despite so much evidence to support the contention that the institution of slavery existed in ancient India, we would be erring if we said that slavery was the sole basis of the ancient Indian economy.

Slave labour was usually employed to serve as agricultural or unskilled industrial labour and as domestic labour (menials) but unlike other workers slaves were bereft of their freedom.

Ancient Indian jurists distinguished between different kinds of slaves; for example, we find four types of slaves being enumerated in the Vidura-pandita Jataka viz. (1) children of slaves; (2) slaves for food and protection; (3) purchased slaves and (4) voluntary slaves. In Manusmriti, however, a distinction is drawn between seven kinds of slaves:—captives of war; those serving for their maintenance; children of slaves (born in the house of the master); purchased, presented or inherited slaves; and those enslaved by way of punishment (ध्वजाहृतो भक्तदासो गृहजः क्रीतदत्रिमौ ॥ पैत्रिको दण्डदासश्च सप्तैते दासयोनयः ॥)[6]. Manu was of the opinion that Shudra could also be required to do the work of slaves; it mattered little whether he was bought or not (शूद्रं तु कारयेद्दास्यं क्रीतमक्रीतमेव वा ॥ दास्यायैव हि सृष्टोऽसौ ब्राह्मणस्य स्वयंभुवा ॥)[7].

6. Manusmriti—VIII-415. It has been made further clear in Kullukbhatt's commentary of Manusmriti wherein the following has been stated : ध्वजेति ॥ संग्रामे स्वामिसकाशाज्जितो भक्तलोभाद्युपगतदास्यो भक्तदासस्तथा दासीपुत्रो मूल्येन क्रीतोऽन्येन दत्तः पित्रादिक्रमागतः दण्डादिधनशुद्ध्यर्थं स्वीकृतदास्यभाव इत्येतानि सप्त ध्वजाहृतत्वादीनि दासत्वकारणानि ॥

7. Manusmriti-Ch. VIII-413. In Kautilya's times a Shudra could not be forced to accept slavery or do the work of a slave.

Similarly, it has been stated in Naradsmriti that "any person born of a female slave in the house of her master, purchased, received as a gift or inherited, kept on maintenance during a period of dearth and famine or pledged by a person with another person in return of a loan, was a slave". Besides, any person who failed to meet his financial obligation, was a prisoner of war or had been won over in a wager or had volunteered to embrace slavery was a slave ; similarly, a person who embraced slavery for his maintenance or with a view to marry a female slave or who had sold himself was also regarded a slave (गृहजातस्तथा क्रीतो लब्धो दायादुपागतः । अनाकालभृतो लोके अहितः स्वामिनश्च यः ॥ मोक्षितो महतश्चर्णात्प्राप्तो युद्धात्पणार्जितः। तवाहमित्युपगतः प्रव्रज्यावसितः कृतः॥ भक्तदासश्च विज्ञेयस्तथैव वडवाभृतः। विक्रेता चात्मनः शास्त्रे दासाः पञ्चदश स्मृताः॥)[8]

The slaves, long before the Kautilyan era, were at the mercy of the masters ; there were kind masters as well as tyrants who subjected their slaves to all sorts of hardships. We find in Namsiddhika Jataka, the slave girl–Dhanapali—being severely beaten and hired out to work for others ; in Katahaka Jataka the slave (Katahaka) running away from the house of his master for fear of being branded or imprisoned ; in Cullasethi Jataka the daughter of the Setthi fearing that herself and her slave financee would be cut to pieces if her father came to know of her flirtations ; on the other hand, there were masters who regarded slaves more or less as members of their families and confided in them as much as in their kith and kins, for example, we find the master giving out all the secrets of his treasure to his slave in Nanda Jataka and the Brahmin master consulting his slave–girl (Panna) on certain important matters in the Nanacchanda Jataka. Similarly, the Asampadan Jataka refers to the loyalty of the slaves towards their ex–master. Sirikalakanni, Gangamala and Uraga Jatakas go to prove that slaves (whether male or female) were meted very kind treatment and were treated more or less as the near ones of the masters.

The conditions of the slaves came to be so much ameliorated near about 320 B. C. that foreign visitors to

8. Naradsmriti – Chap. V – 26.27.28

India could not even visualise the existence of slavery in India. Observers like Megasthenese, accustomed to the treatment of slaves in the west, thought that there was no slavery in India. Arrian, probably relying on the account given by Megasthenese, stated that "all the Indians are free and not one of them is a slave". Onesikritos, one of the earliest observers (earlier than Megasthenese), also denied the existence of slavery in the lower Indus Valley. But slavery did then exist in India admits of little doubt. A large part of the credit for bringing about such ameliorated conditions goes to Kautilya. To him existence of slavery was a sign of backwardness.

Kautilyan Reforms :

The first reform, in the field of slavery, that Kautilya sought to bring about was to impose a ban upon the sale or purchase of children as slaves. Any person pledging or selling his own minor children or children of his relatives as slaves was heavily fined. If a Shudra sold a minor, he was fined twelve "pana"; if a Vaishya, a Kshattriya or a Brahman committed the same crime twice, thrice or even four times heavier fines were imposed on them by way of punishment. (उदरदासवर्जमार्यप्राणमप्राप्तव्यवहारं शूद्रं विक्रयाधानं नयतः स्वजनस्य द्वादशपणो दण्डः॥ वैश्यं द्विगुणः॥ क्षत्रियं त्रिगुणः ॥ ब्राह्मणं चतुर्गुणः॥)[9]. Besides the active participants in such acts the witnesses to such deals were also punished (परजनस्य पूर्वमध्यमोत्तमवधा दण्डाः क्रेतृश्रोतृणां च ॥)[10] He, however, made a provision that if an Aryan had to be pledged for overcoming some trouble, efforts had to be made to earn the money necessary to get him manumitted at the earliest (अथ वाऽऽर्यमाधाय कुलबन्धनतूर्याणामापदि निष्क्रयं चाधिगम्य बालं साहाय्यदातारं वा पूर्वं निष्क्रीणीरन्॥)[11]. Kautilya, however, said that the purchase or sale of children as slaves was not forbiden for the "Mlechchas" for they were savage and backward, but an Arya could in no case be allowed to remain a slave (म्लेच्छानामदोषः प्रजा विक्रेतुमाधातुं वा ॥ न त्वेवार्यस्य दासभावः ॥) [12]

9. Kautilya – "Arthshastra" – Pt. III Ch. 13 Prakaran 65–1. 2. 3. 4.
10. Kautilya – "Arthshastra" – Pt. III Ch. 13 Prakaran 65–5
11. Kautilya – "Arthshastra" – Pt. III Ch. 13 Prakaran 65–8
12. Kautilya – "Arthshastra" – Pt. III Ch. 13 Prakaran 65–6 7

Foreigners, particularly Greeks and Romans, were regarded as Mlechchas (savage and backward people) by Kautilya, probably, for the reason that slavery formed the very basis of their social life. Kautilya's conception of an Arya was not restricted to the twice-born class alone but extended to Shudra as well. It would thus be seen that Kautilya not only sought to uproot slavery but also made an attempt to better the conditions of Shudra. He was very considerate about women and child slaves as would appear from the fact that he had forbidden the purchase and sale of children and women slaves under certain circumstances. Any Arya pledging or selling out his slave (of less than 8 years of age) for doing low work, was heavily fined. The same punishment was given to those who sold or pledged a pregnant female slave, without making provision for her maternity; the purchasers and the witnesses to such a sale or pledge were also similarly punished—

गृहेजातदायागतलब्धक्रीतानामन्यतमं दासमूनाष्टवर्षं विबंधुमकामं नीचे कर्मणि विदेशे दासीं वा सगर्भामप्रतिविहितगर्भभर्मण्यां विक्रयाधानं नयतः पूर्वस्साहसदण्डः क्रेतृश्रोतृणां च ॥[13]

The existence of a programme of social welfare and security in those days can thus not be denied.

It was probably, with the intention of paying due respect to human values that Kautilya was motivated to lay down that slaves could neither be asked to do ignoble and low work nor could be defiled or violated by the masters. Failure to respect the word of law in this regard could result in the forfeiture of the money paid in exchange of the slave. If the master violated the chastity of a nurse or a female slave or took ignoble work from them then not only the slave was set free but the master had to bear the loss of the money paid in her exchange (प्रेतविण्मूत्रोच्छिष्टग्राहणमाहितस्य नग्नस्तापनं दण्डप्रेषणमतिक्रमणं च स्त्रीणां मूल्यनाशकरम् ॥ धात्रीपरिचारिकार्धसीतिकोपचारिकाणां च मोक्षकरम् ॥)[14]. In another case a fine equivalent to double the consideration paid for the slave was imposed. (कन्यामाहितकां वा स्वयमन्येन वा दूषयतः मूल्यनाशः शुल्कं तद्द्विगुणश्च दण्डः ॥[15].

13. Kautilya–"Arthashastra"–Pt. III Ch. 13 Prakaran 65-27
14. Kautilya–" Arthshastra "–Pt. III Ch. 13 Prakaran 65–14. 15
15. Kautilya–" Arthshastra "–Pt. III Ch. 13 Prakaran 65–19

Besides the following rules were also meant to protect the women slaves :

(१) धात्रीमाहितिकां वाकामां स्त्रवशामधिगच्छतः पूर्वस्साहसदण्डः ॥[16]
(२) स्वामिनोऽस्यां दास्यां जातं समातृकमदासं विद्यात् ॥[17]
(३) गृह्या चेत्कुटुम्बार्थचिन्तनी माता भ्राता भगिनी चास्या अदासास्स्युः ॥[18]

These regulations prevented a master from taking undue advantage of the helplessness of the slaves and also helped in the amelioration of the conditions of employment of female slaves.

The State extended its helping hand to male slaves as well and tried to protect the honour of those respectable persons who were forced by circumstances to embrace slavery. Such men could not be required to do low and ignoble work, and if they were forced to do it, they automatically became free under the law of the day.[19] The children of an Arya, who had sold himself as a slave, however, continued to be regarded as Arya. (आत्मविक्रयिणः प्रजामार्यां विद्यात् ॥)[20]

Slaves were also accorded the right to manumission on fulfilling certain conditions. A slave could free himself on paying his price to the master (मूल्येन चार्यत्वं गच्छेत् ॥)[21] ; a slave (captive of war) could free himself on paying half the ransom (आर्यप्राणो ध्वजाहृतः कर्मकालानुरूपेण मूल्यार्धेन वा विमुच्येत ॥)[22] ; a person enslaved for his failure to pay a fine could become free by paying the fine or by putting in some service in exchange (दण्डप्रणीतः कर्मणा दण्डमुपनयेत् ॥)[23]. Kautilya was of the opinion that the price for manumission ought to be equal to the price of the pledge (प्रक्षेपानुरूपश्चास्य निष्क्रयः ॥)[24]; a master could not thus,

16. Kautilya–" Arthshastra "–Pt. III Ch. 13 Prakaran 65–17
17. Kautilya–" Arthshastra "–Pt. III Ch. 13 Prakaran 65–32
18. Kautilya–" Arthshastra "–Pt. III Ch. 13 Prakaran 65–33
19. In continuation the matter referred to in footnote 14 read :

सिद्धमुपचारकस्याभिप्रजातस्यापक्रमणम् ॥

(Kautilya– "Arthshastra" Pt. III Ch. 13 Prakaran 65–16)

20. Kautilya–"Arthshastra"–Pt. III Ch. 13 Prakaran 65–20
21. Kautilya–"Arthshastra"–Pt. III Ch. 13 Prakaran 65–22
22. Kautilya–"Arthshastra"–Pt. III Ch. 13 Prakaran 65–26
23. Kautilya–"Arthshastra"–Pt. III Ch. 13 Prakaran 65–25
24. Kautilya–"Arthshastra"–Pt. III Ch. 13 Prakaran 65–24

demand more for setting a slave free. Under the Kautilyan law one who did not set a slave free on getting the price for manumission was punished with a fine of twelve "pana"; a similar punishment was given for unreasonably keeping the slave in confinement (दासमनुरूपेण निष्क्रयेणार्यमकुर्वतो द्वादशपणो दण्डः ॥ संरोधश्चाकारणात् ॥)[25]

Kautilya was generous enough to grant the slaves a right to property. They could have proprietory rights in the property left by their parents or in their own earnings with the consent of their masters (who were generally kind enough to allow it)—(आत्माधिगतं स्वामिकर्माविरुद्धं लभेत पित्र्यं च दायम् ॥)[26]; but where a slave had no heir his property ultimately belonged to the master (दासद्रव्यस्य ज्ञातयो दायादाः। तेषामभावे स्वामी।).[27] Slaves could make separate earnings but not at the cost of the work of their masters. These earnings enabled them to accumulate the money needed for their freedom. History bears testimony to the fact that all these measures went a long way to better the conditions of the slaves during the period usually known as the "Golden period", in Indian history. Attempts were primarily made, during this period, to abolish slavery but if someone was compelled to remain a slave he was meted such humane treatment that foreigners had reasons enough to believe that slavery was practically non-existent in India.

Bindusara and Ashoka also tried to maintain such ameliorated conditions of the slaves as is evident from the 9th Rock Edict of Emperor Ashoka, in which it is stated that the Law of Piety consists of, among other things, the improvement in the conditions of the slaves and a guarantee of kind and human treatment of slaves and hired servants. The condition of slaves, however, began to deteriorate in the post-Mauryan period. Indian masters were now, more or less, following the ways of the Romans. Taking of low and ignoble work was legalised.

It was latter laid down in the Naradsmriti that the sages had made a distinction between five types of attendants of which students, apprentices, hired servants

25. Kautilya-"Arthshastra"-Pt. III Ch. 13 Prakaran 65-28. 29

26. Kautilya-"Arthshastra"-Pt. III Ch. 13 Prakaran 65-21

27. Kautilya-"Arthshastra"-Pt. III Ch. 13 Prakaran 65-30

and officials were regarded as labourers (karmakara) and were required to do only pure work; in the fifth category of attendants fell the slaves who were required to do all sorts of impure work (शुश्रूषकः पञ्चविधः शास्त्रे दृष्टो मनीषिभिः ॥ चतुर्विधः कर्मकरस्तेषां दासस्त्रिपञ्चकाः ॥ शिष्यान्तेवासिभृतकाश्चतुर्थस्त्वधिकर्मकृत् ॥ एते कर्मकराः प्रोक्ता दासास्तु गृहजादयः ॥ कर्मापि द्विविधं ज्ञेयं शुभं चाशुभमेव च ॥ अशुभं दासकर्मोक्तं शुभं कर्मकृतः स्मृतम् ॥ गृहद्वाराशुचिस्थानरथ्यावस्कर—शोधनम् ॥ गुह्याङ्गस्पर्शनोच्छिष्टविण्मूत्रग्रहणोज्झनम् ॥ इष्टतः स्वामिनश्चाङ्गैरुपस्थानमथान्ततः ॥ अशुभं कर्म विज्ञेयं शुभमन्यदतः परम् ॥)[28]

The slaves were now not only required to do low work but were also mercilessly beaten on their failure to obey the master. They were also deprived of all proprietory rights which Kautilya had so generously granted to them. It has been made quite clear in some of the scripts, supposed to be written after the "Arthashastra", e.g. Manusmriti, Yajnavalkyasmriti, Naradsmriti etc. that a slave could not acquire proprietory rights during the life-time of his master and whatever he earned or acquired belonged to the person to whom they belonged. We, thus, find stated in Manusmriti—भार्या पुत्रश्च दासश्च त्रय एवाधनाः स्मृताः ॥ यत्ते समधिगच्छन्ति यस्य ते तस्य तद्धनम् ॥[29] An identical verse appears in Naradsmriti.[30] At another place in Manusmriti it has been laid down that a Brahman could confidently seize the goods owned by a Shudra, who was his slave, since the slave was not supposed to have any property (विस्रब्धं ब्राह्मणः शूद्राद्द्रव्योपादानमाचरेत्। न हि तस्यास्ति किञ्चित्स्वं भर्तृहार्यधनो हि सः ॥)[31] It makes the position of the slaves all the more clear. We, however, find a verse in a latter scripture wherein it is declared that the only wealth in which a slave could claim proprietory rights was the purchase price that the master paid him (for his purchase) and the gifts from the master (दासस्य तु धनं यत्स्यात् स्वामी तस्य प्रभुः स्मृतः । प्रसादविक्रयाद्यत्तु न स्वामी धनमर्हति ॥).[32] Though a small degree of proprietory rights were given in latter years, yet other limitations to which the slaves were subject were far from statisfactory.

28. Naradsmirti Ch. V 2. 3. 4. 5. 6 and 7
29. Manusmriti Ch. VIII 416
30. Naradsmriti Ch. V 41
31. Manusmriti Ch. VIII 417
32. Katyayana Ch. V 723

Any debt taken by a slave for the benefit of his family was, on the slave's failure to pay, paid off by his family members as appears from the following quotation from Naradasmriti— शिष्यान्तेवासिदासस्त्रीप्रेष्यभृत्यकरैश्च यत् । कुटुम्बहेतोरुत्क्षिप्तं दातव्यं तत् कुटुम्बिना ॥ [33]

Katyayana was also of similar opinion when he said —

प्रोषितस्याभृतेनापि कुटुम्बार्थमृणं कृतम् । दासस्त्रीमातृशिष्यैर्वा दद्यात् पुत्रेण वा भृगुः ॥[34]

An identical verse is found in Vishnusmriti.[35]

A slave could, however, work as the master's agent and contract debts and obligations, binding on the master, if these were for the good of his master or masters' family. It is a proof of the reliance and trust that was placed on the slaves, as well as of their loyalty and trustworthiness.

Slaves had the right to give evidence in a court of law in case qualified witnesses or proper evidence were not available and his evidence was respected by the courts.[36]

As already pointed out earlier, slaves could get themselves released from the bonds of slavery by fulfilling certain conditions. It was thus laid down in Naradsmriti that a person who was enslaved for non-payment of debts or for a fixed period could get himself manumitted by paying off his debt with interest thereon or on the expiry of the period for which he was enslaved (ऋणं तु सोदयं दत्त्वा ऋणी दास्यादविमुच्यते । कृतकालभ्युपगमात्कृतकोऽपि विमुच्यते ॥)[37] A person who was enslaved for getting maintenance during a period of famine could be free on giving two cows to the master (अनाकालभृतो दास्यान्मुच्यते गोयुगं ददत्)[38] and lastly, a person who was enslaved for getting maintenance in normal times or for having sexual relations with a female slave, could become free by giving up the subsistence and by ceasing to have any relationship with the female slave.[39] It was further provided in

33. Naradsmriti Ch. I 12
34. Katyayana—quoted in Vivad Ratnakar Page 56
35. Vishnusmriti Ch. VI 39
36. Manusmriti Ch. VIII 70
37. Naradsmriti Ch. V 33
38. Naradsmriti Ch. V 31
39. Naradsmriti Ch. V 36

Naradsmriti that slaves born of a slave woman (in the house of the master), inherited, purchased or received in gift could not be set free except when the master so desired; [40] similarly a captive of war, a person won in a wager and the person who voluntarily surrendered himself as a slave could not be granted freedom unless they gave their substitute to the master (तवाहमित्युपगतो युद्धप्राप्तः पणार्जितः। प्रतिशीर्षदानेन मुच्यते तुल्यकर्मणा ॥) [41]

To prevent independent men from embracing slavery and to prevent a fall from asceticism it was ordained by Narad that an apostate from asceticism was to remain a King's slave and could never purify or free himself (राज्ञामेव तु दासः स्यात्प्रव्रज्यापसृतो नरः। न तस्य प्रतिमोक्षोऽस्ति न विशुद्धिः कथञ्चन ॥); [42] a wretched man who sold himself as a slave could never get freedom from slavery (विक्रीणीतान्य आत्मानं स्वतन्त्रः सन्नराधमः ॥ स जघन्यतमस्तेषां नैव दास्यात्प्रमुच्यते ॥) [43].

A person captured by robbers or thieves and sold out as a slave was set free by the kings since such slavery was not legitimate (चौरापहृतविक्रीता ये च दासीकृता बलात्। राज्ञा मोक्षयितव्यास्ते दास्यं तेषु हि नेष्यते ॥) [44] A person could not, thus be made a slave by force. An almost identical verse appears in the Yajnavalkayasmriti,[45] which also directs a King to emancipate any person who was made a slave forcibly with the exception of, of course, the captive of war.

To avoid excesses by powerful Brahmins, out of ego or egotheism, Manu made a provision whereby a Brahmin forcing a twice-born man, against his will, to do the work of a slave was fined six hundred "pana" (दास्यं तु कारयँल्लोभाद्ब्राह्मणः संस्कृतान्द्विजान् ॥ अनिच्छतः प्राभवत्याद्राज्ञा दण्ड्यः शतानि षट् ॥)[46] A slave could not be given harsh corporal punishment as appears from the following: भार्या पुत्रश्च दासश्च प्रेष्यो भ्राता च सोदरः ॥ प्राप्तापराधास्ताड्याः स्यू रज्ज्वा वेणुदलेन वा ॥ पृष्ठतस्तु शरीरस्य नोत्तमाङ्गे कथंचन। अतोऽन्यथा तु प्रहरन्प्राप्तः स्याच्चौरकिल्बिषम् ॥[47] which enjoined that a wife,

40. Naradsmriti-Ch. V - 29
41. Naradsmriti-Ch. V - 34
42. Naradsmriti-Ch. V - 35
43. Naradsmriti-Ch. V - 37
44. Naradsmriti-Ch. V - 38
45. Yajnavalkyasmriti-Ch. II 182.-186
46. Manusmriti-Ch. VIII - 412
47. Manusmriti-Ch. VIII - 299. 300

son, slave, pupil or younger brother who was guilty of any fault could be beaten with a piece of rope or of a split bamboo, (only on the back and never on a tender part); anyone found guilty of punishing, otherwise was treated as guilty of theft. The purpose of this ruling was to avoid award of inhuman punishment to slaves or dependants.

A slave could, however, enjoy the privilege of the masters' son if at the risk of his own life, he succeeded in saving the life of his master, who was in the grips of death. It is quite evident from the following: यश्चैषां स्वामिनं कश्चिन्मोक्षयेत् प्राणसंशयात्। दासत्वात् स विमुच्येत पुत्रभागं लभेत च ॥[48] It may, thus, be concluded that the obligations of the slaves were not forgotten; they were duly recompensed for their sacrifices.

The foregoing discussion makes it abundantly clear that in India slaves were usually not exposed to inhuman and barbaric treatment nor were they cruelly and deplorably exploited as in Greece and Rome. It was so because slavery never became the sole basis of the economic life of the ancient Indians. India can be proud of the fact that such condemnable methods of making slaves as kidnapping expeditions were not employed by Indians nor was slave trade encouraged in this country. In this respect they were definitely much more enlightened than the so called "Civilized Americans" of only a hundred years back. Though slaves were regarded as workers of the lowest order yet they were hardly ever ill-treated. The Cambridge History of India bears testimony to it when it reads as follows: "....we find in Jataks, the slave petted, permitted to learn writing and handicrafts..... But of actual ill-treatment there is scarcely any mention....we do not meet with runaway slaves."[49]

48. Naradsmriti-Ch. V-30. A similar verse appears in Yajnavalkyasmriti-Ch. II 186

49. Cambridge History of India - Vol. I Page 205

CHAPTER III

Labour In Agricultural And Allied Occupations In Ancient India

By 2500 B.C. the pastoral stage was gradually fading away and agriculture was coming to be the main occupation of the peoples in India as is apparent from the numerous hymns of the Rigveda (viz. VII - 101.3 ; X.105.1 ; X. 50.3 ; IV. 57.1 addressed to the rain-gods or rivers etc. to bless increased fertility to the soil and better crops.). Enough importance was attached to agricultural operations as a profession by a passage of the tenth Mandala (X. 34.13) wherein a man advised a ruined gambler to give up gambling and try his luck in agriculture which was sure to make him prosperous. Apart from it, various passages of Atharvaveda (III. 14.3 ; VI. 91.1 ; VI. 50.142 VIII. 10.24 ; and XIX. 31.3), Taittiriya Samhita (IV. 2 ; V. 1.7.3., VII. 2.10 ;), Sathapatha Brahman (I. 6.1.3) and Kausitaki Brahman (XIX. 3) bear enough evidence of the adoption of agriculture as an important occupation.

Though agriculture had come to be the chief occupation of the people yet information regarding agricultural labour in ancient India is rather scanty. We do not find much information regarding the employment of men on the fields probably for the fact that agriculture itself was the occupation of more than fourth-fifths of the population and that the number of labourers employed for wages on the farms was comparatively less. Agriculture was considered to be an honourable profession * and hence people liked to engage in this profession themselves rather than employ labourers and get the work done through them. Self sufficiency was existent to a great extent and, probably, there were only a few persons who could be called landless or who were available for employment on the farms or else

There is an old saying :

उत्तम खेती मध्यम बान । निकृष्ट चाकरी भीख निदान ॥

which goes to prove that in ancient India agriculture was supposed to be the most honourable vocation.

where. Only a few rich and wealthy people, owning large tracts of land, could afford to engage labourers or keep slaves to do agricultural work for them. We find a reference, in the Atharva-veda, to the employment of Dasis and slave girls for agricultural operations. This practice of employing labourers or slaves on the fields gained more popularity in the latter years but there is nothing to prove that slavery ever became the sole basis of the agricultural economy in ancient India.

We further find that the family members (particularly women and children) were obliged to assist their husbands, parents or guardians in carrying on agricultural operations. Most of the workers on the fields were self-employed free-men but labourers were also employed, and slaves kept, to do the duties of Krishivala (ploughmen), Dhanyakrit (huskers) and Vapa (sowers) etc.

As the time passed by, a class of landless labourers began to grow up and the society also came to be split up into four rigid divisions (varna). The fact that the agricultural vocation came to be allotted to the people of the Vaishya-varna is evinced by various Samhitas and Dharmashastras. For example, we find stated in Sankha Samhita that "Trade, Agriculture and rearing of cattle are the specific duties of a Vaishya"[1]; in Gautam's Dharmasutra that people of Vaishya Varna were authorized to carry on trade and agriculture, rear cattle and lend money (वैश्यस्याधिकं कृषिवणिक्पाशुपाल्यकुसीदम् ॥)[2] and in the Vashistha Dharmasutra—(शस्त्रेण च प्रजापालनं स्वधर्मस्तेन जीवेत ॥ एतान्येव वैश्यस्य ॥ कृषिर्वाणिज्यं पाशुपाल्यं कुसीदं च ॥)[3] In Harita Samhita it is likewise stated that a Vaishya ought to tend cattle, trade and engage in agriculture.[4] As most of the Vaishya were moneyed people it was becoming almost customary with them to employ the landless labourers, usually Shudra (since they owned nothing and if they did it was for the benefit of the Dvija) and the slaves for agricultural operations.

1. Sankha Samhita Ch. I 4
2. Gautama Dharmasutra Ch. X 49
3. Vashistha Dharmasutra Ch. II 17. 18. 19
4. Harita Samhitra Ch. II 6

That labour came to be employed in agriculture latter in the post-Vedic era admits of little doubt. The writings of Kautilya, Narad and Brahaspati go a long way to prove this fact. Kautilya stated at one place that the Sitaadhyaksha (सीताध्यक्षः) was to get the fields sown by slaves, wage earners or labourers or by persons undergoing punishment—बहुहलपरिकृष्टायां स्वभूमौ दासकर्मकरदण्डप्रतिकर्तृभिर्वापयेत् ॥[5] This probably had a reference to the farms owned by the Kings. Besides, Naradsmriti also bears enough proof of the existence of agricultural labour in ancient India (भृतावनिश्चितायां तु दशभागं समाप्नुयुः ॥ लाभगोबीजसस्यानां वणिग्गोपकृषीवलाः ॥)[6]

Speaking of the dignity of agricultural labour, Brahaspati observed that the agricultural workers were mediocre whereas the warriors were superior and household servants ranked much inferior to them (आयुधी तूत्तमः प्रोक्तो मध्यमस्तु कृषीवलः । भारवाहोऽधमः प्रोक्तस्तथा च गृहकर्मकृत् ॥).[7]

Conditions of employment :

The conditions of employment of agricultural labour differed with the status of the workers—whether they were wage earners or slaves. Slaves usually got their maintenance only in return while the wage earners got their stipulated wages. Another striking difference between the two was that, unlike slaves wage earners were not twenty-four hour servants of their employers and were not bereft of their freedom.

Usually the wages of agricultural workers were fixed at the outset but in case their wages could not be so fixed, the workers were entitled to a share (generally one-tenth) in the profits or produce etc. For example, we come across the following observation in "Arthshastra" :

कर्षकः सस्यानां गोपालकः सर्पिषां वैदेहकः पण्यानामात्मना व्यवहृतानां दशभागमसंभावितवेतनो लभेत ॥)[8]

5. Kautilya - "Arthshastra"-Pt. II Ch. XXIV 2
6. Naradsmriti - Ch. VI-3
7. Brihaspati smriti - Ch. XVI-10
8. Kautilya - "Arthshastra"-Pt. III Ch. XIII 40

Similar opinions were given by Yajnavalkya (दाप्यस्तु दशमं भागं वाणिज्यपशुसस्यतः। अनिश्चित्य भृतिं यस्तु कारयेत्स महीक्षिता ॥)[9] and Narad (भृतावनिश्चितायां तु दशभागं समाप्नुयुः॥ लाभगोबीजसस्यानां वणिग्गोपकृषीवलाः ॥).[10]

But Brahaspati seems to have differed slightly from other law-givers in certain respects; for example he allowed a certain share of the produce or milk etc., by way of extra consideration even to those workers who worked for wages Thus, a fifth share was given to those workers who got food and clothes as well, whereas those who served for a share of profits or produce were entitled to a third share (द्विप्रकारो भोगभृतः कृषिगोजीविनां स्मृतः। जातसस्यात्तथा क्षीरात्स लभेत न संशयः॥ त्रिभागं पञ्चभागं वा गृह्णीयात्सीरवाहकः भक्ताच्छादभृतः सीराद्भागं गृह्णीत पञ्चमम् ॥)[11]

An idea of the wages that were payable in cash to the agricultural workers can be had from Kautilya's Arthshastra, wherein, at one place, he states that workers employed by the Sitaadhyaksha (Head of the agricultural operations in the State) were to be paid one and a quarter 'pana' per month besides food by way of wages, as is evident from the following: षण्डवाटगोपालकदासकर्मकरेभ्यो यथापुरुषपरिवापं भक्तं कुर्यात्। सपादपणिकं मासं दद्यात् ॥[12]

The workers were, however, responsible for the proper maintenance ot the tools and implements given to them.[13]

Relations with the Master :

The relations between landowners (employers) and the tillers of the soil (agricultural workers) appear to have been harmonious enough in ancient India. While dealing with wages and industrial relations elsewhere in this book, I have pointed out that the employers were punished on their failure to pay wages when due; at the same time the worker was also required to be loyal and sincere to his work. Severe punishment was awarded on their refusing to, or on abstaining from, work; even the

9. Yajnavalkyasmriti - Ch. II 194
10. Naradsmriti - Ch. VI 3
11. Brihaspatismriti - Ch. 16-11. 12. 13
12. Kautilya - "Arthashastra" Pt. II Ch. 24-38. 39
13. Naradsmriti - Ch. VI 4.

slightest mistake was not allowed to go unpuninshed. An idea of the nature of punishment for abandoning work can be had from the following : अवशिनः कीनाशस्य कर्मन्यासे दण्डताडनम् ॥[14] – which means that a servant in tillage who abandoned his work was to be flogged.

If there were any differences, over the question of wages, between the masters and the labourers the matter was decided on the basis of the evidence available or according to the work performed (साक्षिप्रत्ययमेव स्यात् ॥ साक्षिणामभावे यतः कर्म ततोऽनुयुञ्जीत ॥).[15] Workers were, however, allowed to take leave within reasonable limits, as and when they needed it—particularly in cases of illness.[16]

Herdsmen

Closely connected with the agricultural occupation was the vocation of tending cattle of which we find enough evidence even earlier than the period of definite settlements. In the Vedic and post-Vedic ages, as also in the latter centuries, enough importance was attached to this occupation. We find references to cattle-rearing not only in the Veda, various Samhitas and Jatakas, but also in epics like Mahabharat and Ramayana. Cattle rearing, like agriculture, was also the occupation of the Vaishya varna as would appear from the earlier part of this chapter where various quotations were given from Sankha Samhita, Harita Samhita, Gautam's Dharmasutra[17] and Vashishtha Dharmasutra[18] in support of this belief. Though cattle-rearing was an important occupation of the people of the Vaishya varna, yet we find them engaging workers for protecting and grazing their cattle and for dairying purposes.

Wages, and conditions of work of herdsmen :

The wages and the conditions of work of the herdsmen were more or less similar to those of the agricultural labour-

14. Apastamba Dharmasutra – Prasana II Patala 11–Khanda 28–2
15. Kautilya "Arthshastra"–Pt. III–Ch. 13–43. 44
16. The reader is referred to the Chapter on "Wages and conditions of work in Ancient India".

१७. वैश्यस्याधिकं कृषिवाणिक्पाशुपाल्यकुसीदम् ॥

१८. शस्त्रेण च प्रजापालनं स्वधर्मं जीवेत् । एतान्येव वैश्यस्य ॥ कृषिर्वाणिज्यं पाशुपाल्यं कुसीदं च ॥

ers. Their wages were also fixed by contract and in the absence of any stipulation one tenth share of the produce was given by way of wages as appears from Kautilya's Arthshastra[19] and Naradsmriti.[20] Apart from stating भृतावनिश्चितायां तु दशभागं समाप्नुयुः । लाभगोबीजसस्यानां वणिग्गोपकृषीवलाः ॥.[21] Narad laid down separate rules for the regulation of wages of the herdsmen. He ordained that a heifer was to be given by way of an annual reward to a herdsmen who tended a hundred cows, while a milch cow was to be given to one who tended two hundred cows; herdsmen were also allowed to take milk of all the cows on every eighth day (गवां शताद्वत्सतरी धेनुः स्याद् द्विशताद्भृतिः । प्रतिसंवत्सरं गोपे संदोहो वाष्टमेऽहनि ॥).[22] Wages were also payable in kind as appears from Manusmriti, wherein it is laid down that a cowherd, who agreed to take milk in lieu of his wages, could milk the best out of every ten cows with the permission of the master (गोपः क्षीरभृतो यस्तु स दुह्याद्दशतो वराम् ॥ गोस्वाम्यनुमते भृत्यः सा स्यात्पालेऽभृते भृतिः ॥)[23] Manu further observed that, where there was no other agreement regarding wages, it ought to be regarded as the standard wage of the cowherds.

Wages of herdsmen were withheld in Kautilya's days, if they failed to be punctual in reporting for work (दोहकालमतिक्रामतस्तत्फलहानं दण्डः ॥ एतेन नस्यदम्ययुगविङ्गनवर्तनकाला व्याख्याताः ॥[24] It would thus be seen that one of the conditions of employment was punctuality and that necessary punishment was given in cases of non-compliance.

Duties of the herdsmen:

The duties of the herdsmen were, primarily, to take the cattle in the morning to the pastures for grazing and to bring them back in the evening[25].

19. Pt. III - Ch. XIII 40
20. & 21 Naradsmriti - Ch. VI - 3
22. Naradsmriti - Ch. VI - 10
23. Manusmriti - Ch. VIII - 231
24. Kautilya - "Arthshastra" Pt. II Ch. 29-32,33
25. Naradsmriti - Ch. VI II

They were also required to milk them, to take their care, to save them from being misled, stolen away, killed or involved in accidents, and also to see that the cattle in their charge did not in anyway damage the property of any person or march into the fields or farms of other persons. Failure to fulfil any of these conditions or attempts to shirk responsibility were punishable under the law. The herdsmen could not only be made to pay the damages but in cases of extreme negligence or on turning traitors could even be sentenced to death by hanging ; such harsh were the laws in those days. Let us review some of them. Gautama simply laid down that the herdsman was responsible for any damage caused to anyone by the cattle in his charge (पशुपीडिते स्वामिदोषः ॥ पालसंयुक्ते तु तस्मिन् ॥).[26] Apastamba observed that a herdsman who left tending the cattle (without notice) was to be flogged (अवशिनः कीनाशस्य कर्मन्यासे दण्डताडनम् ॥ तथा पशुपस्य ।)[27] and the charge of cattle was to be given to some other herdsman (अवरोधनं चाऽस्य पशूनाम् ॥).[28] If the cattle perished or were stolen away on account of the negligence of the herdsman, the herdsman was required to compensate the owner for the loss (अवरुध्य पशून्मारणे नाशने वा स्वामिभ्योऽवसृजेत् ॥).[29]

Some such rules regarding the rights and responsibilities of the herdsmen are also found in the "Arthshastra". Kautilya was also of the opinion that the loss of cattle could be due to a number of reasons[30] but if it was due to the negligence of the herdsman, he could be forced to compensate the owner. Describing the responsibilities of the herdsman, Kautilya wrote that herdsman ought to save old, infirm and newborn cattle and graze them at such secure places which were not haunted by hunters, thieves or dogs etc. (बालवृद्धव्याधितानां गोपालकाः प्रतिकुर्युः ॥ लुब्धकश्वगणिभिरपास्तस्तेन व्यालपरबाधमयमृतुविभक्तमरण्यं चारयेयुः ॥).[31] He had to be vigilant when the cattle went

26. Gautam Dharmasutra – Ch. XII 19. 20
27. Apastamba Dharmasutra – Prasana 2, Patala 11, Khanda 28-2. 3
28. Apastamba Dharmasutra – Prasana 2, Patala 11, Khanda 28-4
29. Apastamba Dharmasutra – Prasana 2, Patala 11, Khanda 28-6
30. Kautilya – "Arthshastra" – Pt. II Ch. 29-11. 12. 13
31. Kautilya – "Arthshastra" – Pt. II Ch. 29-18. 19

to drink water or take bath in some river (समव्यूढतीर्थमकर्दमग्राहमुदकमवतारयेयुः पालयेयुश्च ॥).[32] It was, however, the duty of the herdsmen to inform the Goadhyaksha in cases of the loss of cattle ; otherwise they could be made to recompense for the loss (स्तेनव्यालसर्पग्राहगृहीतं व्याधिजरावसन्नं चावेदयेयुरन्यथा रूपमूल्यं भजेरन्॥).[33] In the case of natural death of the cattle the herdsman was to produce the skin etc., of the cattle by way of proof (कारणमृतस्याङ्कचर्म गोमहिषस्य कर्णलक्षणमजाविकानां पुच्छमङ्कचर्म चाश्वखरोष्ट्राणां वालचर्मवस्तिपित्तस्नायुदन्तखुरश‍ृङ्गास्थीनि चाहरेयुः ॥).[34] If it, however, came to be proved that the loss or destruction was not natural but due to the mischief played by the herdsman even the penalty of death could be imposed on him (स्वयं हन्ता घातयिता हर्ता हारयिता च वध्यः ॥).[35] A lesser punishment was given for the offence of changing the royal cows with those of others (परपशूनां राजाङ्केन परिवर्तयिता रूपस्य पूर्वं साहसदण्डं दद्यात् ॥).[36]

It, thus, appears from the above that as long as the herdsmen did not try to cheat the master (owner of the cattle) and as long as they performed their duties well their position was secure; but any act of wilful negligence or deliberate mischief on their part was disapproved and was punishable. Manu was also in line with Kautilya when he said that the herdsmen were answerable for any injury to the cattle while these were in their charge, be it day or night (दिवा वक्तव्यता पाले रात्रौ स्वामिनि तद्गृहे। योगक्षेमेऽन्यथा चेत्तु पालो वक्तव्यतामियात् ॥).[37]

While further clarifying the law in this regard Manu observed :— नष्टं विनष्टं कृमिभिः श्वहतं विषमे मृतम्। हीनं पुरुषकारेण प्रदद्यात्पाल एव तु ॥ विघुष्य तु हृतं चौरैर्न पालो दातुमर्हति। यदि देशे च काले च स्वामिनः स्वस्य शंसति ॥ कर्णौ चर्म च वालांश्च बस्तिं स्नायुं च रोचनाम् ॥ पशुषु स्वामिनां दद्यान्मृतेष्वङ्गानि दर्शयेत् ॥ अजाविके तु संरुद्धे वृकैः पाले त्वनायति ॥ यां प्रसह्य वृको हन्यात्पाले तत्किल्बिषं भवेत् ॥ तासां चेदवरुद्धानां चरन्तीनां मिथो वने। यामुत्प्लुत्य वृको हन्यान्न पालस्तत्र किल्बिषी ॥[38]. Further, the herdsmen could also not be

32. Kautilya - "Arthshastra" - Pt. II Ch. 29-21
33. Kautilya - "Arthshastra" - Pt. II Ch. 29–22
34. Kautilya - "Arthshastra" - Pt. II Ch. 29–23
35. Kautilya - "Arthshastra" - Pt. II Ch. 29–14
36. Kautilya - "Arthshastra" - Pt. II Ch. 29–15
37. Manusmriti - Ch. VIII-230
38. Manusmriti - Ch. VIII - 232-236

held responsible if the cattle in their charge marched into the unfenced farms of any person and grazed or destroyed the standing crops (तत्रापरिवृतं धान्यं विहिंस्युः पशवो यदि। न तत्र प्रणयेद्दण्डं नृपतिः पशुरक्षिणाम् ॥).[39]

Centuries after Manu, Narad expressed an almost similar opinion about the duties and responsibilities of the herdsmen. He observed that should a herdsman fail to take steps to save the animals in his charge or inform the owner in time, he was to pay a fine to the King and to compensate the owner for the loss thus incurred, as appears from the following : सा चेद्दौर्व्यसनं गच्छेद्व्ययाच्छेतत्र शक्तितः। अशक्तस्तूर्णमागम्य स्वामिने तन्निवेदयेत् ॥ अव्यायच्छन्न विक्रोशन्स्वामिने चानिवेदयन्। वोढुमर्हति गोपस्तां विनयं चापि राजाने ॥ नष्टं विनष्टं कृमिभिः श्वहतं विषमे मृतम् ॥ हीनं पुरुषकारेण पालयैव निपातयेत् ॥ अजाविके तथारुद्धे वृकैः पाले त्वनायति। यां प्रसह्य वृको हन्यात्पाले तत्किल्बिषं भवेत् ॥ विघुष्यापहृतं चौरैर्न पालो दातुमर्हति। यदि देशे च काले च स्वामिनश्चापि शंसति ॥ मृतेषु च विशुद्धिः स्याद्वालश्रृङ्गादिदर्शनात् ॥[40]. Thus, any dispute arising amongst the herdsmen and owners of the cattle were settled according to the laws then in force. It would, however, be seen that while, on the one hand, deliberate mischief, wilful negligence and failure or refusal to perform stipulated duties were not tolerated and were most severely punished, on the other hand, the herdsmen were granted immunity from any responsibility as long as they were sincere to their work and took all reasonable steps to avert troubles. Judging in the light of the primitive conditions of those days we can say that the laws relating to the payment of wages, conditions of work and the relations between the owners of cattle and herdsmen were quite reasonable and satisfactory.

39. Manusmriti - Ch. VIII - 238

40. Naradsmriti - Ch. VI - 12-17

CHAPTER IV

Wages And The Conditions Of Work In Ancient India

Wages :

Workers in the past, as today, were employed for wages and wages were central to the problems of industrial peace in those days as well. According to the ancient authorities wages were the consideration for the performance of a contract of service, entered into between an employer and a workman. Wages in fact depended on the bargaining capacities of both the employers and the workers. It appears that there was a sort of higgling between the workers and the employers for the fixation of wages. Wage rates were, thus, the result of a process of bargaining and time and work were the two major considerations in their determination, as is evident from the following quotation from Kautilya's Arthshastra— यथासंभाषितं वेतनं लभेत ॥ कर्मकालानुरूपमसंभाषितवेतनम् ॥ संभाषितवेतनस्तु यथासंभाषितम् ॥.[1] Besides, some standard methods of determining wages, standardised wage rates are also available in the ancient Indian scriptures. Thus, in case no remuneration was settled upon earlier for the performance of work, an agricultural labourer, a cowherd and a salesman could claim one-tenth of the produce, butter or goods respectively as his wages (कर्षकः सस्यानां गोपालकः सर्पिषां वैदेहकः पण्यानामात्मना व्यवहृतानां दशभागमसंभाषितवेतनो लभेत ॥).[2] It was, however, stated by Kautilya that remuneration to the skilled persons like doctors, pleaders, artisans, musicians etc. was to be given according to the rates prevailing at other places or as fixed by the experts (कारुशिल्पिकुशीलवचिकित्सकवाग्जीवनपरिचारकादिराशाकारिकवर्गस्तु यथाऽन्यस्तद्विधः कुर्याद्यथा वा कुशलाः कल्पयेयुस्तथा वेतनं लभेत ॥).[3]

Apart from it, Kautilya had also fixed some standard rates of wages which were payable to the workers in the employ of the State. Thus, he observed—कार्तान्तिकनैमित्तिकमौहूर्तिक-

1. Kautilya - "Arthshastra" - Part III - Ch. 13 - 38, 39, 41
2. Kautilya - "Arthshastra" - Part III - Ch. 13 - 40
3. Kautilya - "Arthshastra" - Part III - Ch. 13 - 42

पौराणिकसूतमागधाः पुरोहितपुरुषाः सर्वाध्यक्षाश्च साहस्राः ॥ शिल्पवन्तः पादाताः संख्यायकलेखादिवर्गः पञ्चशताः ॥ कुशीलवास्त्वर्धतृतीयशताः ॥ द्विगुणवेतनाश्चैषां तूर्यकराः ॥ कारुशिल्पिनो विंशतिशतिकाः ॥ चतुष्पदद्विपदपरिचारकपारिकर्मिकोपस्थायिकपालकविष्टिबन्धकाः षष्टिवेतनाः ॥ आर्ययुक्तारोहकमाणवकशैलखनकाः सर्वोपस्थायिन आचार्या विद्यावन्तश्च पूजावेतनानि यथार्हं लभेरन्पञ्चशतावरं सहस्रपणम् ॥ [4] meaning thereby that foretellers, charioteers, priests, story-tellers, bards and those in-charge of different departments etc. were to be paid at the rate of a thousand "pana"; skilled soldiers, writers and accountants etc. five hundred "pana", ordinary workers (artisans and carpenters) one hundred and twenty "pana", servants engaged for attending on men and keeping cattle sixty "pana", musicians and entertainers two hundred and fifty "pana" and trumpet blowers five hundred "pana" annually as wages. Similarly good jockeys, miners and sculptors, sorcerers, teachers and those learned in Veda were paid five hundred to one thousand "pana" according to their abilities. Further, servants of the village units such as washermen, barbers and village Mukhia, spies etc. were to be given five hundred "pana" (ग्रामभृतकसत्त्रितीक्ष्णरसदभिक्षुक्यः पञ्चशताः)[5] and couriers were paid ten or twenty "pana" per "yojan" (a measure of distance), i. e., according to the distance covered by them (दशपणिको योजने दूतः मध्यमः। दशोत्तरे द्विगुणवेतन आयोजनशतादिति ॥).[6] We, thus, find that wages in Kautilya's days ranged from about sixty to a thousand "pana" a year, according to the abilities and services of the workers. Speaking the other way round we can say that wages ranged from one sixth of a "pana" to a quarter to three (2.75) "pana" a day.

Some more information on wages is furnished by the same authority. For instance, according to Kautilya, the proper wage for weaving cotton cloth was the equivalent money worth of cotton, while the wages for weaving silk or woollen cloth were equal to one and a half times and twice the value of silk and wool respectively.[7] Thus no specific

4. Kautilya - "Arthshastra" - Part V - Ch. III - 14 - 20
5. Kautilya - "Arthshastra" - Part V - Ch. III - 25
6. Kautilya - "Arthshastra" - Part V - Ch. III - 21, 22
7. Kautilya - "Arthshastra" - Part IV - Ch. I - 11, 12

rates of wages were fixed for weavers, but wages were payable according to the value of the yarn. Similarly, washermen were paid on the basis of wages fixed for them, separate rates were fixed for dying and washing. The wages were one "pana" for good washing, half a "pana" for medium and one fourth of a "pana" for ordinary washing. [8] Experts were called upon to determine the wages of the washermen in cases of disputes.[9] The rates of wages for tailors and weavers were quite like those for washermen.[10] The wages of the goldsmiths for making ornaments of silver were one Masha for one ornament and one eighth the value of gold in case of gold ornaments (माषको वेतनं रूप्यधारणस्य ॥ सुवर्णस्याष्टभागः ॥ शिक्षाविशेषेण द्विगुणावेतनवृद्धिः ॥);[11] Double these rates were payable for those ornaments which required extraordinary skill. Similarly the wages for making ornaments and wares from metals like copper, brass, lead, bronze, iron etc. were five per cent of the value of the metal (ताम्रवृत्तकंसवैकृन्तकारकूटकानां पञ्चकं शतं वेतनम् ॥).[12]

Even earlier than Kautilya, in the period represented by Jatakas, a reference to wages is found. Thus we find in the Gangamala Jataka stated :

"Tadā - Varanasiyā uttaradvārāvāsī eko bhatiko udakabhatim katvā laddham addhamāsakam pakaritthikaya autare thapetvā" [13]

It goes to prove that the wage of water carrier was half-a-silver "Masha" a day. Similarly, we find in the Visahya-Jataka, the wage of a grass-cutter as one silver masha per day. We do not find further evidence of the fixation of wage rates of skilled workers in the Jatakas.

Manu also referred to agreements for the performance of work and wages, but he did not lay down any specific rules for the fixation of wages as such. Some information

8. Kautilya - "Arthshastra" - Part IV - Ch. I - 29, 30, 31
9. Kautilya - "Arthshastra" - Part IV - Ch. I - 28
10. Kantilya - "Arthshastra" - Part IV - Ch. I - 37
11. Kautilya - "Arthshastra" - Part IV - Ch. I - 48, 49, 50
12. Kautilya - "Arthshastra" - Part IV - Ch. I - 52
13. Jataka's - edited by Fausboll Vol. III (1883) page 446

regarding wages is, however, available from Manusmriti; for example Manu laid down that the master should give proper maintenance to a Shudra after taking into consideration his abilities, work and the number of people whom he had to support (प्रकल्प्या तस्य तैर्वृत्तिः स्वकुटुम्बाद्यथार्हतः। शक्तिं चावेक्ष्य दाक्ष्यं च भृत्यानां च परिग्रहम्).[14] The wages to a cowherd could be paid in kind (Milk) if the cowherd chose to have it. Thus, he was allowed to milk the best cow out of every ten cows in lieu of his wages (गोपः क्षीरभृतो यस्तु स दुह्याद्दशतो वराम्॥ गोस्वाम्यनुमते भृत्यः सा स्यात्पालेऽभृते भृतिः॥).[15] Manu had also fixed certain standard wage rates for persons employed by the State. For example, he stated that maids, messengers and servants of the king ought to be paid daily at rates varying according to the nature of their rank and services (राजा कर्मसु युक्तानां स्त्रीणां प्रेष्यजनस्य च। प्रत्यहं कल्पयेद्वृत्तिं स्थानं कर्मानुरूपतः। पणो देयोऽवकृष्टस्य षडुत्कृष्टस्य वेतनम्॥ षाण्मासिकस्तथाच्छादो धान्यद्रोणस्तु मासिकः॥).[16] Thus, one "pana" was payable daily to menials and unskilled servants and six "pana" a day to the skilled workers. Apart from it each unskilled worker was to get one "drona" and an skilled worker six "dronas" of paddy every month; one piece of cloth was given to each unskilled worker every six-months while the skilled worker got six such pieces.

The Kullukbhatta commentary which runs as follows makes the above still more clear :—अवकृष्टस्य गृहादिसमार्जकोदकवाहादेः कर्मकरस्य वक्ष्यमाणलक्षणः पणो भृतिरूपः प्रत्यहं दातव्यः॥ षाण्मासिकश्चाच्छादो वस्त्रयुग दातव्यम्॥ अष्टमुष्टिर्भवेत्कुञ्चिः कुञ्चयोऽष्टौ च पुष्कलम्। पुष्कलानि तु चत्वारि आढकः परिकीर्तितः॥ चतुराढको भवेद्द्रोण इति गणनया धान्यद्रोणश्च प्रतिमासं देयः॥ उत्कृष्टस्य तु भृतिरूपाश्च षट्पणाः प्रत्यहं देयाः। अनयैव कल्पनया षाण्मासिकानि षट् वस्त्रयुगानि प्रतिमासं षाण्मास्या द्रोणा देयाः। अनयैव दिशा मध्यमस्य पणत्रयं भृतिरूपं दातव्यं षाण्मासिकं च वस्त्रयुगत्रयं मासिकं च धान्यं द्रोणत्रयं देयम्॥

Yajnavalkya also referred to the determination of wages by bargaining. He opined that a person who made a servant work for him, without settling his wages, ought to be punished and the servant be compensated by giving a tenth part of the proceeds of the trade (दाप्यस्तु दशमं भागं वाणिज्य-

14. Manusmriti - Ch. X - 124
15. Manusmriti - Ch. VIII - 231
16. Mannsmriti - Ch. VII - 125, 126

पशुसस्यतः। अनिश्चित्य भृतिं यस्तु कारयेत्स महीक्षिता॥).[17] The Mitakshara commentary on Yajnavalkyasmriti clarifies it in the following words :—यस्तु स्वामी वणिक् गोमी क्षेत्रिको वा अपरिछिन्नवेतनमेव भृत्यं कर्म कारयति तस्माद्वाणिज्यपशुसस्यलक्षणात्कर्मणो यल्लब्धं तस्य दशमो भागो भृत्याय महीक्षिता राज्ञा दापनीयः॥ It is, thus, apparent that Yajnavalkya insisted on the settlement of wages at the outset probably for avoiding troubles which could arise afterwards.

Like Kautilya and Yajnavalkya, Narad also laid emphasis on the payment of the same wages and in the same manner to the workers which were mutually agreed upon at the outset (भृताय वेतनं दद्यात्कर्मस्वामी यथाक्रमम्। आदौ मध्येऽवसाने च कर्मणो यद्विनिश्चितम्॥).[18] He perhaps, referred to the contract of service and the wages that came to be settled upon by the forces of demand and supply (or the bargaining capacities of the masters and the workmen). He was in line with Yajnavalkya in suggesting that in case wages were not fixed at the outset, the servant of a trader, a cowherd and an agricultural labourer could take a tenth part of the proceeds (भृतावनिश्चितायां तु दशभागं समाप्नुयुः। लाभं गोबीजसस्यानां वणिग्गोपकृषीवलाः) ॥.[19]

Brahaspati, one of the important law givers of the past, was also of the opinion that wages stipulated at the time of employment were payable to the workers and also that wages were payable either daily, fortnightly, monthly, quarterly half-yearly or on the completion of the work, as agreed upon (दिनमासर्धषण्मासत्रिमासाब्दभृतस्तथा । कर्म कुर्यात्प्रतिज्ञातं लभते परिभाषितम्॥).[20]

Brahaspati, however, differed from other jurists, in respect of payment of wages where none had been settled upon earlier. While others agreed that in such cases a tenth share of the produce, or the profits of sale or the sale proceeds be given to the agricultural worker, cowherd or the servant employed by a trader. Brahaspati ordained the payment of a third or a fifth share depending upon the nature of the case. It has been laid down in Brahaspatismriti that if the

17. Yajnavalkyasmriti - Prakaran 16-194
18. Naradsmriti - Ch. VI - 2
19. Naradsmriti - Ch. VI - 3
20. Brahaspatismriti - Ch. XVI - 9

worker was being provided with food and clothing, a fifth share of the profits or produce was payable to him; the worker was entitled to a third share in case nothing was being given to him (त्रिभागं पञ्चभागं वा गृह्णीयात्सीरवाहकः भक्ताच्छादभृतः सीराद्भागं गृह्णीत पञ्चमम् ॥ जातिसस्यात्त्रिभागं तु प्रगृह्णीयादथाभृतः ॥).[21]

Prof. Sylvain Lee, published certain rates of wages, which he considered were payable in Nepal and nearby areas of India in the 625 A.D. The following is a consolidated statement [22] of the same :—

Manual Workers & Servants	Wages in copper "Pana"		
	Yearly	Monthly	Daily
1	2	3	4
Abhiseka–Hastin (Elephant Driver)	588	49	1½
Abhisekasva (Cavalier)	588	49	1½
Dhavaka Gechchi (Messenger)	588	49	1½
Officiating Priest	588	49	1½
Bhanda	408	34	1
Camaradhara & Pithadhyaksa (Personal Attendants)	408	34	1
Dhwaja Manusya & Puspapatavaka (Flag carrier)	408	34	1
Water Carrier	408	34	1
Palace Servants	408	34	1
Door Keeper	240	20	2/3
Street Watchman	240	20	2/3
Sweeper	240	20	2/3
Soldier	408	34	1
Gausthika (Cowherd)	408	34	1
Nayaka (General of the Army)	3,800	320	10

An idea of the wages in 625 A. D. can thus be had from the above table.

21. Brahaspatismriti – Ch. XVI–12, 13

22. Sylvain Lee—"Le Nepal"—Pages 85-89

Shukracharya, a jurist of distinction, believed to have lived near about 900 A. D. distinguished between three kinds of servants—inactive, ordinary and smart–and opined that wages were also payable to them in the same order (मंदो मध्यस्तथा शीघ्रस्त्रिविधो भृत्य उच्यते। समा मध्या च श्रेष्ठा च भृतिस्तेषां क्रमात् स्मृता॥).[23] He also stated that the wages ought to be classified as "ordinary" if they were adequate to procure the bare necessaries of life, "high" if they could provide enough food and clothing and "low" if these were insufficient to maintain anyone even at the subsistence level (अवश्यपोष्यभरणं भृतिर्मध्या प्रकीर्तिता॥ परिपोष्या भृतिः श्रेष्ठा समान्नाच्छादनार्थिका॥ भवेदेकस्य भरणं यथा सा हीनसंज्ञिका॥)[24] and were payable according to the qualifications of the worker, as appears from the following: यथा यथा तु गुणवान् भृतकस्तद्भृतिस्तथा। संयोज्या तु प्रयत्नेन नृपेणात्महिताय वै॥).[25]

Wages could be fixed according to time and work or according to both, as agreed upon (कार्यमाना कालमाना कार्यकालमितिस्त्रिधा। भृतिरुक्ता तु तद्विशैस्मा देया भाषिता यथा॥).[26] It, thus, appears that in ancient India both the time rate and piece rate systems of wage payments were in vogue. Examples of both piece and time rates were given by Shukracharya for the sake of clarification. Thus, if the employer said to the worker "you have to carry this load and will be paid this much", the wage was considered to have been fixed according to work (अयं भारस्त्वया तत्र स्थाप्यस्त्वैतावतीं भृतिं। दास्यामि कार्यमाना सा कीर्तिता तद्विदेशकैः॥)[27] and if the employer said to the worker : "I shall pay you so much every year or every month or everyday", the wages were said to have been fixed according to time (वत्सरे वत्सरे वापि मासि मासि दिने दिने। एतावतीं भृतिं तेऽहं दास्यामीति च कालिका॥)[28] and supposing the master said to the worker : "you have done so much work in so much time, hence I shall pay you so much", the wage

23. Shukraniti – Ch. II – 813. 14
24. Shukraniti – Ch. II – 800. 801. 802
25. Shukraniti – Ch. II – 803. 804
26. Shukraniti – Ch. II – 791, 792
27. Shukraniti – Ch. II – 793. 94
28. Shukraniti – Ch. II. – 795. 96

was supposed to have been fixed according to both time and work (एतावता कार्यमिदं कालेनापि त्वया कृतं। भृतिमेतावतीं दास्ये कार्यकालमिता च सा ॥).[29]

Shukracharya was of the opinion that wages of a worker ought to be so fixed as to enable him to meet all his necessary expenses (अवश्यपोष्यवर्गस्य भरणं वै भृताद्भवेत्। तथा भृतिस्तु संयोज्या तद्योग्या भृतकाय वै॥).[30] He also sounded a note of warning that if a worker was not paid an adequate wage there was a likelihood of the worker getting frustrated and turning an enemy. They could become auxiliaries to others and opportunists and deserters (ये भृत्या हीनभृतिकाश्शत्रवस्ते स्वयंकृताः। परस्य साधकास्ते तु छिद्रकोशप्रजाहराः॥).[31] Modern industrial psychologists also believe that it is psychologically true that a starving man can never be sincere or loyal. Shukracharya also felt that in order to maintain peaceful relations between the masters and the workers it was absolutely necessary to keep the workers satisfied by paying them fair wages. It would thus be appreciated that his thoughts were in line with the thoughts of the modern labour economists and industrial psychologists. But inspite of all this the Shudra was still the suffering class. Their wages were hardly enough to maintain them.[32]

Payment of Wages :

Almost all the above mentioned jurists did agree with each other that the payment of wages was to be made either daily, weekly, fortnightly, monthly, quarterly, six-monthly or yearly or on the completion of work or as agreed upon. Wages could, however, be withheld in certain cases, particularly in cases of improper or non-performance of work.

Further rules were laid down regarding payment of wages. Thus, Kautilya had, as already stated, laid down that wages were payable according to the contract or according to time and work, where it was not settled upon at the outset.[33] In case there was any disagreement at the

29. Shukraniti - Ch. II - 797. 98
30. Shukraniti - Ch. II - 805. 806
31. Shukraniti - Ch. II - 807. 808
32. Shukraniti - Ch. II - 809
33. Kautilya—"Arthshastra" - Pt. III - Ch. 13-38, 39

time of payment, payment was to be made at the rates evidenced by the witnesses, and if no witnesses were available, it was to be made in accordance with the work performed,[34] but if any person did not perform the work properly, seven days' wages were withheld and if inspite of all this his work continued to be unsatisfactory, the work could be entrusted to some other worker (तेषामाधिः सप्तरात्रमासीत्॥ ततोऽन्यमुपस्थापयेत्॥).[35]

Kautilya also observed that no wages were payable to a person from whom no work was taken even though he might have presented himself for work, for wages were paid only for work. He admitted that he differed from other ancient authorities who held that the mere presence of the worker (whether work was taken or not) was enough to earn the day's wages to him (उपस्थितमकारयतः कृतमेव विद्यादित्याचार्याः॥ नेति कौटिल्यः॥ कृतस्य वेतनं नाकृतस्यास्ति॥);[36] on the contrary, if the worker failed to perform the allotted work at the time and place desired by the employer nothing was payable to him (स चेदल्पमपि कारयित्वा न कारयेत्कृतमेवास्य विद्यात्। देशकालातिपातनेन कर्मणामन्यथाकारणे वा नासकामः कृतमनुमन्येत॥).[37]

Any overtime or extra work (other than the one settled upon) performed at the instance of the employer was not to be paid for संभाषितादधिकक्रियायां प्रयासं मोघं कुर्यात्॥[38]. These stipulations smack of injustice but some historians believe that at the time "Arthshastra" was written India was passing through an economic crisis hence such policies had to be adopted. In those circumstances, probably, these rules could be justified. At one place in "Arthshastra", we find that the workers could be made to work on holidays by payment of special wages (तिथिषु प्रतिपादनमौनश्च कर्म कारयित्वा॥)[39] which is certainly an indicator of the fact that need for more production was felt in those days.

34. Kautilya—"Arthshastra" - Pt. III - Ch. 13-43, 44
35. Kautilya—"Arthshastra" - Pt. III - Ch. 14 - 15, 16
36. Kautilya—"Arthshastra" - Pt. III - Ch. 14 - 8, 9, 10
37. Kautilya—"Arthshastra" - Pt. III - Ch. 14 - 11, I2
38. Kautilya—"Arthshastra" - Pt. III - Ch. 14 - 13
39. Kautilya—"Arthshastra" - Pt. II - Ch. 23 - 6

We also find in "Arthshastra" that the cowherds and agricultural labourers were paid, besides provisions, fixed wages amounting to 1¼ "pana" a month (षण्डवाटगोपालकदासकर्मकरेभ्यो यथापुरुषपरिवापं भक्तं कुर्यात् ॥ सपादपणिकं मासं दद्यात्। कर्मानुरूपं कारुभ्यो भक्तवेतनम् ॥)[40]. It, thus, appears that most of the workers who were employed as agricultural workers were paid not much in cash but in kind. Provisions and wages were given to the artisans in proportion of the work done.

Payment of wages, according to the quantity of work done, was also prescribed under the Yajnavalkyan Law. Yajnavalkya had observed that if two persons were engaged to do a work jointly and if they could not finish the same, wages were paid to them only for the work performed; full stipulated wages were, however, payable only when the work was completed (यो यावत्कुरुते कर्म तावत्तस्य तु वेतनम् ॥ उभयोरप्यसाध्यं चेत्साध्ये कुर्याद्यथाश्रुतम् ॥).[41]

Narad and Brahaspati did not differ much from other jurists on the time of the payment of wages. Narad observed that wages could be paid either at the beginning or in the middle or on completion of the work, as agreed upon (भृताय वेतनं दद्यात्कर्मस्वामी यथाक्रमम्। आदौ मध्येऽवसाने च कर्मणो यद्विनिश्चितम्॥).[42] Similarly, Brahaspati observed that wages could be paid daily, fortnightly, monthly, quarterly, six—monthly or yearly or on the completion of work as agreed upon earlier.[43]

Shukracharya stated that time could be divided according to solar and lunar movements or according to 'savana' and that 'savana' system was to be followed while giving daily wages—कालमानं त्रिधा ज्ञेयं चान्द्रं सौरं च सावनं। भृतिदाने सदा सौरं चान्द्रं कौसीदवृद्धिषु ॥ कल्पयेत् सावनं नित्यं दिनभृत्येऽवधौ सदा ॥.[44] He also observed that payment of wages should never be stopped

40. Kautilya – "Arthshastra"—Pt. II—Ch. 24 – 38, 39, 40
41. Yajnavalkyasmriti—Vyawaharaddhyaya Prakarana 16 – Sloka 196
42. Naradsmriti—6th Title of Law–2
43. Brahaspatismriti—Ch. XVI–9
44. Shukraniti—Ch. II – 788–790—By savana is meant a period of 24 hours

or postponed but wages should be paid as soon as they become due [न कुर्याद्भृतिलोपं तु तथा भृतिविलंबनम् ॥].[45]

It would be clear from the above that all the ancient Indian jurists had authorized the payment of wages according to the terms of the contract and that wages were generally not withheld or forfeited unless the work was not properly performed or not performed at all. One point which should not escape our attention is that atleast during Kautilya's period the mere presence of the worker was not enough to earn him the day's wages—unless some work was taken from him. If the work stipulated for could not be completed in time only proportianate wages were payable.

Conditions of Work:

We now proceed to make a brief study of the conditions of work obtaining in ancient India. Some light on the conditions of labour in Ancient India is thrown by Kautilya's "Arthshastra". Among the ancient law-givers, Kautilya seems to be the only person who paid due attention to the conditions of work. Shukracharya also deserves mention in this respect.

Though we find a number of rules regarding the payment of wages, performance of contracts of work, regulation of women labour, leave rules and other matters concerning industrial and labour relations, but almost nowhere do we find anything having been written regarding the hours of work or the conditions in the state-owned or private factories where the workers were required to work. It is, however, contended that the conditions of work must have been congenial. Had there been any such problem as industrial unrest due to bad conditions of work these celebrated law-givers would certainly have observed something with regard to the conditions of work etc. ! There is one more possibility with which some authors seem to agree, and it is that in ancient India, people were so rigidly orthodox that they considered it a sin to show even the slightest signs of indignation. Anyone may agree with this viewpoint but I

45. Shukraniti—Ch. II—799

consider it to be basically wrong because human psychology is such that if the situation becomes intolerable a person would necessarily evince his frustration in some form or the other. Even the threat of unemployment can not be a deterrent, for there is always a limit to tolerance. Thus, had the conditions of work in ancient India been unjust or taxing, these jurists, who had given so many things good, would not have missed this side of human relations in industries.

Emphasis on the maintenance of peaceful relations was laid down as early as the days of Yajurveda, for we find written in the Yajurveda : अक्रन कर्म कर्मकृतेः सह वाचा मयोभुवो । देवेभ्यः कर्म कृत्वास्तं प्रेत सचाभुवः ॥[46] which enjoins that the workers should work peacefully at the place of work and go back to their homes well-pleased. It, thus, appears from it that the workers were supposed to have a peaceful day at the place of work where the conditions of work must have been satisfactory enough. Since production was not carried out on a large scale, relations between the workers and the employers could possibly be personal and hence satisfactory.

While dealing with slavery in ancient India, elsewhere in the book, I have mentioned that Kautilya had forbidden taking of ignoble work even from the slaves. Kautilya also did not favour the employment of children or purchase or sale of them unless they were more than eight years old. Thus, due consideration was given to the condition of work of slaves. Conditions of work of women wage-earners were also regulated.[47]

The workers were, however, required to report themselves for work punctually at the fixed hour, failing which their one-fourth wages were deducted and by way of punishment a fine equal to double the amount of such deductions was imposed, unless the failure to be punctual was due to some unforeseen obstructions (अनिर्दिष्टदेशकालकार्यापदेशं कालातिपातने पादहीनं वेतनं तद्द्विगुणश्च दण्डः ॥ अन्यत्र भ्रेषोपनिपाताभ्याम् ॥)[48].

46. Yajurveda - Ch. III - 47
47. The reader is referred to the Chapter on Women Labour for a detailed discussion of the conditions of work of women labourers.
48. Kautilya -- "Arthshastra"—Pt.IV - Ch.I -5,6

Leave Rules :

A worker was, however, not compelled to perform any work if he was unwell or unable to do anything due to illness. Different law-givers gave different rulings in this regard. While some allowed leave with pay, some condemned the idea of paying wages when the worker did not turn up to work or did not work. Kautilya was of the opinion that a person who was involved in some trouble or was ill or was weak enough to do any work, could obtain leave from work, but if any person wanted to proceed on leave for any other reason, he could take leave by arranging for a substitute for himself (अशक्तः कुत्सिते कर्मणि व्याधौ व्यसने वानुशयं लभेत ॥ परेण वा कारयितुम् ॥)[49].

Manu said that if a person, engaged to perform a certain job, failed to do the work due to illness, but completed the same on his recovery from illness, he was to be paid his full wages for the period of his absence (आर्तस्तु कुर्यात्स्वस्थः सन्यथाभाषितमादितः ॥ स दीर्घस्यापि कालस्य तल्लभेतैव वेतनम् ॥);[50] but if, on his recovery, he failed to perform the work, no wages were payable (यथोक्तमार्तः सुस्थो वा यस्तत्कर्म न कारयेत् ॥ न तस्य वेतनं देयमल्पोनस्यापि कर्मणः ॥).[51] Thus under Manu's laws, the period of absence due to illness was treated as the period of leave with pay only when the worker returned to complete his work after his illness, otherwise not.

Under the rules laid down by Brahaspati a person, who was not fit to work could not be forced to work but if a person, being able-bodied failed to perform the work entrusted to him, he was to be punished.

The rules in respect of leave etc., laid down by Shukracharya, were, however, very accommodating. Besides allowing proper rest during the day and the night, Shukracharya also allowed holidays with pay on occasions of festivities unless the work happened to be one of emergent importance as is evident from the following :—भृत्यानां गृहकृत्यार्थं

49. Kautilya - "Arthshastra" - Pt. III - Ch. 14 - 3, 4

50. Manusmriti - Ch. VIII - 216

51. Manusmriti - Ch. VIII - 217

दिवा यामं समुत्सृजेत्। निशि यामत्रयं नित्यं दिनभृत्येऽर्धयामकं ॥ तेभ्यो कार्यं कारयति ह्युत्सवाद्यैर्विना नृपः ॥ अत्यावश्यं तूत्सवेऽपि हित्वा श्राद्धदिनं सदा ॥ [52].

Shukracharya also allowed leave with pay to the diseased servants after taking into account the services of the worker. He observed that no deductions could be made from the wages of a worker who had been ill for a week— नैव पक्षार्धमार्तस्य हातव्याल्पापि वै भृतिः ॥ [53]; Besides all this a worker was to get fifteen days annual leave with pay (सेवां विना नृपः पक्षं दद्याद्भृत्याय वत्सरे ॥) [54].

We thus find that the rules were quite reasonable during the periods represented by Arthshastra, Manusmriti and Sukraniti i. e. for more than a thousand years.

Incentives : (Payment of Efficiency Bonus)

The labourers were also amply rewarded for turning out a greater quantity of quality work. We find quoted in the Yajnavalkya Smriti—तत्र स्यात्स्वामिनश्छन्दोऽधिकं देयं कृतेऽधिके ॥ [55] whereby an obligation was laid on the employer to pay the worker something more than the fixed wages if he turned out a greater quantity of work. Kautilya also favoured the idea of giving something by way of reward to the workers in order to keep them pleased as is clear from the following : क्षौमदुकूलक्रिमितानराङ्कवकार्पाससूत्रवानकर्मान्तांश्च प्रयुञ्जानो गन्धमाल्यदानैरन्यैश्चौपग्राहिकैराराधयेत् ॥ [56]—which means that the head of the spinning and weaving department should keep the workers pleased by giving them rewards etc.; similarly, we find Shukracharya laying down that the king should give the servants one-eighth of their wages by way of reward : अष्टमांशं पारितोष्यं दद्याद्भृत्याय वत्सरे ॥ [57].

52. Shukraniti – Ch. II – 815-818
53. Shukraniti – Ch. II – 822
54. Shukraniti – Ch. II – 825
55. Yajnavalkya Smriti–Prakaran 16–second verse of 195. The Mitakshara commentary on it is as follows :

यदा पुनर्देशकालाभिज्ञतया अधिको लाभः कृतस्तदा पूर्वपरिच्छिन्नाय भृतेरपि किमपि धनमधिकं स्वामिना भृत्याय दातव्यम् ॥

56. Kautilya – "Arthshastra" – Pt. II Ch. 23 – Prakaran 40·9
57. Shukraniti – Ch. II – line 830

Skilled and efficient workmen were meted still better treatment as appears from the following :- अष्टमांशं पारितोष्यं दद्याद्भृत्याय वत्सरे। कार्याष्टमांशं वा दद्यात् कार्यं द्रागधिकं कृतम् ॥[58]. This not only shows that the skill of the worker was given due cognizance but also that incentives were provided to do better work. On the whole, we can say, that the conditions of work and wages in ancient India were not unsatisfactory.

58. Shukraniti – Ch. II – lines 830–831

CHAPTER V

Technical And Vocational Training In Ancient India

It's a truism that no art can be learnt without proper guidance and training. This fact was also realised in ancient India and that was why enough importance was attached to technical and vocational training in those days. We find enough evidence of the fact in ancient scriptures that men (particularly Vaishya) were given training in various arts and crafts either in the guilds or at the houses of the expert artisans, who, in their capacity as instructors, were known as Acharya or Guru. We find references to Acharya and their "Antevasi" (apprentices) as early as the periods represented by Jataks. For example, references to the apprentices are found in the Varuni and Kusa Jataks. This system of apprenticeship for technical or vocational education has lasted even upto this day.

An apprentice in those days was known as "Ante-vasi" (अन्तेवासी). He had to put up with his instructor (master craftsman), known as "Acharya", for a stipulated period, for getting training in one of the various arts and crafts. The Ante-vasis had to serve the Acharyas during the period of training in the capacity of their employees, in return of which the Acharyas gave them food, clothes and shelter, and, of course, training in the particular art or craft which the apprentice wished to learn. If the apprentice evinced extraordinary merit and intelligence he was duly rewarded for it. This fact is established by Kusa Jataka (No. 531) which states that a reward of one thousand "Karshapanas" was given to the apprentices who evinced extraordinary merit and intelligence.

Apart from Jataks, we find references to the apprentices in some ancient law books, particularly in Yajnavalkyasmriti and Naradsmriti, wherein certain rules and regulations were laid down for observance by apprentices and their masters. We shall review them briefly.

Yajnavalkya, for example, observed that an apprentice, after finishing his technical education, had to remain at his master's place for completing the stipulated period, receiving his maintenance from the master and giving him the proceeds of his skilled labour: कृतशिल्पोऽपि निवसेत्कृतकालं गुरोर्गृहे। अन्तेवासी गुरुप्राप्तभोजनस्तत्फलप्रदः ॥[1]. It thus appears that there was some sort of a contract between the Acharya and the Antevasi with regard to the period of apprenticeship and it was settled before the trainining was initiated. The apprentice had, thus, to stay at the house of his Acharya to complete the period agreed upon and to work for him in return of the maintenance. Whatever return his technical skill and efficiency brought in, during the stipulated period, belonged to the Acharya. The work that the apprentice did for the Acharya, in the latter's house or workshop, more than compensated the master, for the food, clothes and shelter that he provided to the apprentice. Yajnavalkya, however, did not mention anything about the fees that was payable to the Acharya on completion of the training, nor did he mention anything about the relations between the Acharya and the Antevasi.

The Antevasi was, however, free to bid good bye to an Acharya who was negligent in imparting training and assigned such jobs to him as were not even remotely connected with the craft which he had come to learn. Neglect of training and assignment of jobs not connected with the craft were sufficient grounds to bring the stipulations, regarding the training of the worker, to an abrupt end (यस्तु न ग्राहयेच्छिल्पं कर्माण्यन्यानि कारयेत्। प्राप्नुयात्साहसं पूर्वं तस्माच्छिष्यो निवर्तते ॥)[2].

Narad, though not much differing from Yajnavalkya, laid down in very clear terms rules for observance by the

1. Yajnavalkyasmriti–Ch. II–184. In the Mitakshara commentary on Yajnavalkya the duties laid herein have been made still more clear :

अन्तेवासी गुरोर्गृहे कृतकालं वर्षचतुष्टयमायुर्वेदादिशिल्पशिक्षार्थं त्वद्गृहे वसामीति यावदङ्गीकृतं तावत्कालं वसेत्। यद्यपि वर्षचतुष्टयादर्वागेव लब्धापेक्षितशिल्पविद्यः। कथं निवसेत्। गुरुप्राप्तभोजनः गुरोः सकाशात् प्राप्तं भोजनं येन स तथोक्तः। तत्फलप्रदः तस्य शिल्पस्य फलमाचार्याय प्रददातीति तत्फलप्रदः। एवंभूतो वसेत्॥

2. Katyayana in Aparerka on Yajnavalkyasmriti–84

apprentices. From whatever Narad had observed it appears that the would-have-been apprentice had to take the permission of his family members before proceeding to the Acharya's place for technical or vocational education. After obtaining the consent of his elders (गुरुजन), he went to the master craftsman and requested him to take him in as his Antevasi. If the Acharya was pleased, he accepted him as his pupil and fixed up the period of his apprenticeship. Thereafter, the Antevasi stayed at the Acharya's house to learn the craft : "स्वशिल्पमिच्छन्नाहर्तुं बान्धवानामनुज्ञया। आचार्यस्य वसेदन्ते कालं कृत्वा सुनिश्चितम् ॥[3]. The master, then initiated him in the craft and gave him the necessary training at his own place of work. Traditionally, and as per rules laid down in Naradsmriti, the Acharya was required to treat the apprentice as his son and, besides giving him training in the art he wished to learn, to provide him food etc. for his maintenance: "आचार्यः शिक्षयेदेनं स्वगृहे दत्तभोजनम्। न चान्यत्कारयेत्कर्म पुत्रवच्चैनमाचरेत्॥[4]. It also appears from these lines that the master could not engage the apprentice in any craft other than the one the apprentice wished to learn. While Narad charged the master with the duty of treating the apprentice as his son, the apprentice was charged to be loyal and respectful to his Acharya, for the Acharya was his friend, philosopher and spiritual guide as well; and if he ever forsake his Acharya—if the Acharya was of unblemished character—the apprentice was punished for the offence (शिक्षयन्तमदुष्टं च आचार्यं संपरित्यजेत्। बलाद्वासयितव्यः स्याद्वधबन्धौ च सोऽर्हति ॥)[5].

Narad, like Yajnavalkya, also laid down that the apprentice had to live at the house of the master till the expiry of the period of his apprenticeship, even if he succeeded in completing the training earlier ; and whatever he earned by his skill during the rest of the period belonged

3. Naradsmriti – Ch. V – 16
4. Naradsmriti – Ch. V – 17
5. Naradsmriti – Ch. V – 18

The Svetasvatraponishad gives the Acharya the place of God :

यस्य देवे परा भक्तिर्यथा देवे तथा गुरौ। तस्यैते कथिताः ह्यर्थाः प्रकाशन्ते महात्मनः॥(VI-23)

to the Acharya : "शिक्षितोऽपि कृतं कालमन्तेवासी समाप्नुयात्। तत्र कर्म च यत्कुर्यादाचार्यस्यैव तत्फलम्॥[6].

As regards the fees, payable to the Acharya, in return of the training imparted, Narad stated that after the period of apprenticeship was over and the apprentice had learnt the art of the craft he wished to learn, he (the apprentice) had to pay his teacher, as much as he possibly could, by way of "Dakshina" (दक्षिणा) or initiation fee; and thereafter taking leave of him (Acharya) could go back to his house : गृहीतशिल्पः समये कृत्वाचार्यप्रदक्षिणाम्। शक्तितश्चानुमान्यैनमन्तेवासी निवर्तते॥[7]. It thus becomes clear from it that no fees for training was prescribed or settled upon, but it was left to the apprentice to reward his Acharya as amply as he could. Though, we do not find any mention of the payment of "Dakshina" in Yajnavalkyasmriti, yet, I believe that, Yajnavalkaya might have ignored it, as it was, presumably the custom in those days. In fact, the relationship between the teacher and the pupil was in no way mercenary.

On completion of the training and after serving for the stipulated period the Antevasi became a "Karmakar" and could decide to have his own workshop, or to work with another person as his employee. Besides it, one more course was open to him. He could decide to stay with the Acharya as a Karmakar for a stipulated wage, which the Acharya fixed on taking into consideration the efficiency of the apprentice. Perhaps this is what Narad meant by stating : "वेतनं वा यदि कृतं ज्ञात्वा शिष्यस्य कौशलम्। अन्तेवासी समादद्यान्न चान्यस्य गृहे वसेत्॥[8].

According to Graves : "There is some resemblance between the Indian apprenticeship system and the system prevailing in Medieval Europe. In Europe too the apprentice had to spend the earlier part of his indenture period learning his craft and getting no wages. When he had learnt his art, he could become a journeyman but he could undertake no work except through and for the benefit of his master. At

6. Naradsmriti - Ch. V - 19
7. Naradsmriti - Ch. V - 20
8. Naradsmriti - Ch. V - 21

the end of the agreed period he was at liberty to start his own business."[9]

From the above, it is clear that in ancient India due importance was given to the training of artisans and that proper facilities for the same were available. One more point also comes to light and it is that though apprentices were regarded only as labourers (Karmakar)[10] yet (since the persons who went to learn the art of a craft from Acharyas, were only small boys in their early teens) due care was taken to see that they did not feel that they were devoid of parental love at a time they needed it most. Probably that was why the Acharyas were charged with the duty of treating the apprentices as their sons and keeping them with themselves as members of their families. By the time the training came to be over, the young apprentices grew up into active youths and could take decisions regarding their future lines of action. The nature of apprenticeship in the past differed from the apprenticeship of today in as much as the apprentice, in the past, got his maintenance from his master and was free to decide whether to stay with the master or not after the period of training was over, while today, in some cases, the apprentice gets nothing as maintenance and is often unfree to serve another employer. The close personal touch which existed between the Acharya (master craftsman or employer) and Ante-vasis (apprentices) is conspicuous by its absence under the present factory system.

9. Graves : "A History of Education"-Vol. II - Page 97

10. Naradsmriti - Ch. V-3 :—शिष्यान्तेवासिभृतकाश्चतुर्थस्त्वधिकर्मकृत्।
एते कर्मकरा ज्ञेया दासास्तु गृहजादयः॥

CHAPTER VI

Women And Child Labour In Ancient India

We shall now study the conditions of women labour in ancient India. Women primarily dominated the home front ; they did cooking for the family and often helped their husbands in other activities e.g. in agricultural operations (winnowing and husking) etc.. Their importance in other spheres however, was, not ephemeral. We find women in ancient India being employed in industries as well as in the households. A perusal of the Smritis and other ancient Indian scriptures reveals that women were employed either as (1) Dasi (slaves or maid servants) ; or (2) Ganika ; or as (3) Karmakar (hired workers in agriculture and industry).

Women as Dasis :

While dealing with slavery, earlier some references which testified to the existence of female slavery in ancient India were given. The following verses: "अदान्मे पौरुकुत्स्यः पञ्चाशतं त्रसदस्युर्वधूनाम् ॥" in the Rig Veda (VII–19–36); "प्रवृत्तोऽश्वतरीभ्यां युक्तो रथोऽश्वतरीरथो दासीनिष्को दासीभिर्युक्तो निष्को हारो दासी निष्कः" in the Chandogyopnishad (Shankarbhasya V–13.2) and उदकुम्भानधिनिधाय दास्यो मार्जालीयं परिनृत्यन्ति पदो निघ्नतीरदं मधु गायन्त्यो मधु वै देवानां परममन्नाद्यम्" in the Taittereya Samhita (VII. 5. 10.1) go to prove the existence of female slaves in ancient India. Besides these, we find a reference to the recognition of the sale and import of slaves in the Agni–Puran wherein imposition of import duties on female slaves, according to the time and country of their origin, was prescribed. Moreover, the rules laid down for regulating slavery by the various law–givers are also proof of the employment of females as slaves or Dasis. Women were also employed as maid servants to perform such work as sweeping the floor, cleaning the vessels, waiting on the mistress or attending the master. The Dasis in King's employ were to look after the King's welfare and to please him.

We also find women being employed, from among the female slaves as wine servers in the distilleries. They were also employed to work as spies and to get the secrets of the

drunkards without arousing any doubts in their minds (वणिजस्तु संवृतेषु कक्ष्याविभागेषु स्वदासीभिः पेशलरूपाभिरागन्तूनां वास्तव्यानां चार्यरूपाणां मत्तसुप्तानां भावं विद्युः॥)[1]. Some references in ancient literary works (particularly Dramas) partly prove the existence of Dasis (female slaves) in those days. For example, in Kalidas's Malavikagnimitra, Parivrajita testifies to the existence of female spies; in Mrichchsakatika of Sudraka (a drama of the Gupta Age) the character of Madanika bears testimony to the existence of female slaves.

Women as Ganikas :

Women in ancient India were also engaged as Ganika. We find references to such Ganikas in Sudraka's "Mrichchhakatika" and in Dandin's "Dasa-Kumar-Charita". These Ganikas were charming, beautiful, graceful, gay, witty, comely and spruce blondes charged with the duty of pleasing their paramours, and if employed in stately courts with that of pleasing the King by their services, such as carrying of umbrellas, fans, scents etc., pressing the feet or the body of the King, bodily services or by their presence (छत्रभृङ्गारव्यजनशिबिकापीठिकारथेषु च विशेषार्थम्।)[2]. The late Dr. Beni Prasad, in his book "The State in Ancient India", observed that in Harsha's time "the tradition of keeping women attendants was maintained. There were female chowrie—bearers and shampooers." These women attendants were either Ganikas or Dasis. When these Ganikas became old, their services were utilized for cooking or for training new Ganikas (सौभाग्यभङ्गे मातृकां कुर्यात्॥ गणिकादासी भग्नभोगा कोष्ठागारे महानसे वा कर्म कुर्यात्॥)[3]. The King's subjects could also engage Ganikas for recreational purposes on paying the stipulated fee. The system of employing women as Deva-Dasis, which is still found in the South Indian temples, was widely prevalent in ancient India. References to the employment of such Deva-Dasis at the temple of Mahakal in Ujjayani are found in Kalidas's Meghadoot; such Dasis were also kept in some temple of Sun-God at the time Hiuen Tsang visited India.

1. Kautilya-"Arthshastra"-Pt. II-Ch. 25-Prakaran 42-16
2. Kautilya-"Arthshastra"-Pt. II-Ch. 27-Prakaran 44-7
3. Kautilya-"Arthshastra"-Pt. II-Ch. 27-Prakaran 44-8,12

Women in industry :

Women figured in Industry as well, and were employed for wages as Karmakar. Ample evidence in support of such contention is available in Kautilya's Arthshastra. Dr. Radha Kumud Mukerji,[4] one of the greatest living historians, is of the opinion that women were employed in industries as well, mostly as dyers (Rajayitris), embroiders (Pesaskaris), basket makers (Bidala Kari) or as workers in thorns (Kantakakikari) etc. We find women being employed in state-owned spinning and weaving factories and also working in their own houses for wages. Generally, old women who were either widows, ascetics, aged Ganikas or Deva-Dasis or bad characters or young helpless women, who wanted to earn their livelihood themselves, were employed by the State factories for spinning yarn from cotton, jute, wood etc. (ऊर्णावल्ककार्पासतूलशणक्षौमाणि च विधवान्यङ्गाकन्याप्रव्रजितादण्डप्रतिकारिणीभी रूपाजीवामातृकाभिर्वृद्धराजदासीभिर्व्युपरतोपस्थानदेवदासीभिश्च कर्तयेत् ॥)[5]. Women in Purdah were also employed by the State factories for performing the same work. We find it expressly stated in the "Arthshastra" that purdahnashin women (whose guardians were abroad), widows and helpless virgins, who wished to earn their living, could be employed for wages (याश्चानिष्कासिन्यः प्रोषितविधवा न्यङ्गाः कन्यका वाऽऽत्मानं बिभृयुस्ताः स्वदासीभिरनुसार्य सोपग्रहं कर्म कारयितव्याः ॥)[6].

Apart from it, women were employed for distilling wine etc. as appears from : सुराकिण्वविचयं स्त्रियो बालाश्च कुर्युः ॥[7]. It can, however, be said with authority that these women workers were workers for wages and were not essentially slaves.

Wages of women workers :

The problem of wages is probably the most important problem in the labour economy of any country. We, therefore, pass on to the problem of wages of female workers in ancient India. Though we do not find any authoritative reference to the existence of disparities between

4. Dr. R. K. Mukerji-"Hindu Civilization"-Ch. XXV
5. Kautilya-"Arthshastra"-Pt. II-Ch. XXIII-Prakaran 40-2
6, Kautilya-"Arthshastra"-Pt. II-Ch. XXIII-Prakaran 40-12
7. Kautilya-"Arthshastra"-Pt. II-Ch. XXV-Prakaran 42-38

the wage rates of male and female workers, and though it is contended that the rules for the determination and payment of wages to women workers were essentially the same as for the male workers, yet it would be well to review them briefly here.

Wages were payable to women workers either on piece or time basis. It goes without saying that in cases of piece work due consideration was given to the quality of product. The Sutradhyaksha was, thus, obliged to determine the wages according to the quality and also the quantity of the yarn spun out by the worker as appears from—श्लक्ष्णस्थूलमध्यतां च सूत्रस्य विदित्वा वेतनं कल्पयेत्।। बह्वल्पतां च ।।[8]. With regard to the payment of wages to women workers, Kautilya observed that wages were immediately payable to those women spinners who brought the yarn (spun by them at their residence) to the factory early in the morning (स्वयमागच्छन्तीनां वा सूत्रशालां प्रत्युषसि भाण्डवेतन-विनिमयं कारयेत् ।।)[9]. It would, however, be appreciated that no wages were payable to any worker-male or female-unless the work was completed. Mere presence in the factory was not enough to earn the day's wages. Deductions were also made from wages if the work was left incomplete or if there was any waste (तिथिषु प्रतिपादनमानैश्च कर्म कारयितव्याः। सूत्रह्रासे वेतनह्रासः द्रव्यसारात् ।।)[10]. It is also evident from it that Kautilya favoured taking of work on holidays on payment of extra remuneration.

It appears from :—सौभाग्यालंकारवृद्धया ।। सहस्रेण वारं कनिष्ठं मध्यममुत्तमं वाऽऽरोपयेत् ।।[11] that the fee or wage of the women employed to serve as Ganikas was fixed according to their beauty and bodily perfection. Probably, no payments were made to the women slaves, in the shape of wages, for the apparent reason that they were not hired workers.

Conditions of work :

Since women workers were allowed the option, in many cases of doing the work allotted to them at their homes

8. Kautilya-"Arthshastra"-Pt. II - Ch. XXIII-Prakaran 40-3.4
9. Kautilya-"Arthshastra"-Pt. II - Ch. XXIII - 6.7
10. Kautilya-"Arthshastra"-Pt. II - Ch. XXIII
11. Kautilya-"Arthshastra"-Pt. II - Ch. XXVII

they could enjoy all homely facilities while at work. They could have any number of breaks, look to their household affairs and work at ease ; the only bondage was that of turning out a minimum quantity of work failing which their wages were deducted. Thus, during Kautilya's times conditions of work of those women who could exercise the option of working at their residence, were most congenial. As regards the conditions of work of those women who worked in the state factories, it is believed that the conditions must have been congenial enough–the reason for this belief being the kind and respectful treatment that was meted to them. Little information regarding the conditions of work of women workers is available from sources other than Kautilya's "Arthshastra".

The chastity of women workers was guaranteed enough protection. Kautilya had imposed a number of restrictions on the dealings with women workers. For example, if any person was found guilty of looking at the face of a female worker or of talking to her, he was punished with the first amercement (स्त्रिया मुखसंदर्शनेऽन्यकार्यसंभाषायां वा पूर्वः साहसदण्डः ॥)[12]; and f he caused any obstruction at the time of the payment of wages he was punished with the middle amercement (वेतनकालातिपातने मध्यमः ॥)[13]. To avoid the development of unfair or illegitimate relations with the women workers, Kautilya laid down that if any person paid wages to a woman worker without the performance of work (either on taking bribe or for any other reason) he was to be punished with the middle amercement. Any attempts to defile the chastity of a virgin, or to disfigure a woman, were severely punishable offences[14]. It may also be recounted here that the position of woman slaves was secure enough during the Kautilyan age.

Maternity benefits :

The position of women workers, particularly of the female slaves, was very much secure in respect of maternity.

12. Kautilya–"Arthshastra"–Pt. II–Ch. XXIII–Prakaran 40–15
13. Kautilya–"Arthshastra"–Pt. II–Ch. XXIII–Prakaran 40–16
14. Kautilya–"Arthshastra"–Pt. II–Ch. XXVII

They could not be turned out, sold out or given away as gifts if they were carrying; and if the master wished to part with them, when they were in the family way, he could do it only after making proper arrangements for their maternity. Failure to do so was a punishable offence as appears from: सगर्भामप्रतिविहितगर्भभर्मण्यां विक्रयाधानं नयतः पूर्वः साहसदण्डः क्रेतृश्रोतृणां च॥[15].

Punishment for non-performance of work :

While all these facilities were provided and so much protection was guaranteed to the female workers, certain obligations were also laid on them. For example, they were compulsorily required to perform the job for which they were employed. While Kautilya guaranteed wages to them and punished the defaulting employers, he also made provision for the punishment of those women workers who, having received the wage, defaulted in performing the work. Thus, we find Kautilya observing that if a Ganika, after receiving her fee defaulted she was fined with twice the amount of her fee (भोगं गृहीत्वा द्विषत्या भोगद्विगुणो दण्डः ॥)[16]; and if a woman worker, having accepted her wage, refused to perform the work for which she was employed, her thumb was chopped off; a similar punishment was awarded to those women workers who were found guilty of theft or embezzlement (गृहीत्वा वेतनं कर्माकुर्वन्त्याः अङ्गुष्ठसंदंशं दापयेत्॥ भक्षितापहृतावस्कन्दितानां च ॥)[17].

On the whole, it would be observed that, the conditions of work and wages of women workers in ancient India were neither unsatisfactory nor unjust and enough protection was guaranteed to them.

Child labour :

Though there is little evidence of the employment of children for wages, but if child slavery could be regarded as

15. Kautilya-"Arthshastra"-Pt. III-Ch. 13-27

16. Kautilya-"Arthshastra"-Pt. II-Ch. 27-33. Similar quotations are found in Manusmriti, Yajnavalkyasmriti and Naradsmriti etc.

17. Kautilya-"Arthshastra"-Pt. II-Ch. 23-18.19

that, the existence of child labour in ancient India cannot be denied. Slaves of tender age, often less than eight years of age, were owned for doing low and ignoble work. Children of slaves were born as slaves, lived as slaves and died also as slaves unless the master was pleased to manumit them. It has been noticed that almost all the law-givers, with the solitary exception of Kautilya, were silent on this point, and did little to abolish this inhuman practice of keeping child slaves.

Child slaves could be purchased or sold like commodities. While dealing with slavery I pointed out to the sentence wherein Kautilya stated that the purchase or sale of children as slaves was not forbidden amongst the Mlechchas for they were backward and savage but an Arya child could in no case be allowed to remain a slave (म्लेच्छानामदोषः प्रजां विक्रेतुमाधातुं वा ॥ न त्वेवार्यस्य दासभावः ॥)[18]. In case a child born of an Arya (not of a slave) was sold or purchased or pledged with someone, both the parties to the deal were punished, even the witnesses to it were not spared punishment; they were awarded various degrees of punishment according to their social status as would appear from the following :—

उदरदासवर्जमार्यप्राणमप्राप्तव्यवहारं शूद्रं विक्रयाधानं नयतः स्वजनस्य द्वादशपणो दण्डः ॥ वैश्यं द्विगुणः ॥ क्षत्रियं त्रिगुणः ॥ ब्राह्मणं चतुर्गुणः ॥ [19]

Probably Kautilya also realized that slave children were not much different from Arya children and that they were not physically fit, to carry out the ignoble duties of the slaves and that allowing the sale or purchase of slave children of less than 8 years of age would tantamount to inhumanity. Inspired by such feelings, he prohibited the purchase or sale of slave children of less than 8 years of age (गृहेजातदायागतलब्धक्रीतानामन्यतमं दासमूनाष्टवर्षं विबंधुमकामं नीचे कर्मणि विदेशे दासीं वा सगर्भामप्रतिविहितगर्भभर्मण्यां विक्रयाधानं नयतः पूर्वः साहसदण्डः क्रेतृश्रोतृणां च ॥)[20]. This is

18. Kautilya–"Arthshastra"–Pt. III–Ch. 13–Prakaran 65–6.7

19. Kautilya–"Arthshastra"–Pt. III–Ch. 13–Prakaran 65–1 to 4

20. Kautilya–"Arthshastra"–Pt. III–Ch. 13–Prakaran 65–27

how Kautilya sought to do away with the butchery of childhood which may have been rampant prior to his days.

Though Kautilya had forbidden taking of ignoble and low work from slave children yet the treatment meted to them could not be described as exemplary, for freedom and equality of opportunity were often denied to them.

CHAPTER VII

Regulation Of Industrial Relations In Ancient India

Having made a study of the conditions of work and wages, we may now proceed to study the rules which regulated industrial and labour relations in ancient India. It may, however, be stated at the outset, that the term industrial relations has been interpreted, for the purposes of this book, to mean the relations between the masters (or employers) and the wage earners who were employed either for casual work or for purposes of production by either casual employers, contractors, tradesmen, craftsmen, guilds or other such persons or bodies. It appears from the ancient records that though various rules and regulations were laid down for promoting peaceful relations between the workers and the employers and for protecting the rights of both the wage earners and the employers, yet the rigid nature of the laws evince that such relations were not quite harmonious and probably peaceful relations between workers and employers were often tried to be maintained by force. Most of the disputes that arose were due to either non-performance or careless performance of work or non-payment of wages. At times, the workers, out of sheer pride or malice, ceased to work as a result of which the employers had to suffer. To avoid such troubles, the State Jurists laid down from time to time various rules and regulations which kept the workers within bounds.

Punishment for non-performance of work :

While the State guaranteed regular payment of wages to the workers, it also placed an obligation on them to perform their work intelligently, industriously and sincerely. And if the workers on their part, failed, to perform their duties they were punished with a fine or imprisonment, or both. Failure to complete or refusal to perform the work, even when paid in advance, or leaving the work undone, was considered to be a crime. The State was not prepared to allow any such act of indiscipline. The problem was probably viewed in the same light as is done in the modern world

in times of emergencies when production cannot be allowed to suffer. Perhaps that was why all the ancient jurists had touched up this problem.

To begin with, we may take up Kautilya's "Arthshastra" in which he prescribed a fine of 12 "pana" to a worker who, after receiving wages, refused to work (गृहीत्वा वेतनं कर्माकुर्वतो भृतकस्य द्वादशपणो दण्डः॥)[1]. A fine of 12 "pana" for refusing to work was rather too much for a person who earned one or one and a half "pana" in a month (along with maintenance). The fine was so heavy that the workers could not even dare to refuse to work.

Being in line with Kautilya, Manu also ordained that a workman who, out of pride or for reasons other than sickness, failed to perform the stipulated work was to be fined eight "Krishnalas" (Gunja) and his wages forfeited (भृतो नार्तो न कुर्याद्यो दर्पात्कर्म यथोदितम्॥ स दण्ड्यः कृष्णलान्यष्टौ न देयं चास्य वेतनम्॥)[2]. A similar punishment was ordained by Yajnavalkya who laid down that a servant who having received his wages, refused to do the work for which he was engaged, ought to be compelled to pay double the amount of wages to his employer (गृहीतवेतनः कर्म त्यजन् द्विगुणमावहेत्॥)[3]; and if a worker employed to carry a load gave up the work at the time the master was to leave for some place, one-seventh of his pay was to be forfeited by way of penalty. One fourth or even the full wages could be forfeited if the worker gave up the work in mid-way (प्रक्रान्ते सप्तमं भागं चतुर्थं पथि संत्यजन्। भृतिमर्धपथे सर्वां प्रदाप्यस्त्याजकोऽपि च॥)[4].

It appears from Vishnusmriti that still more rigid rules were in vogue after Vishnusmriti was written. Vishnu stated that any worker who abandoned his work before the expiry of the stipulated term should be made to pay the whole amount of his wages to the employer and a fine of one hundred "pana" to the king (भृतकश्चापूर्णे काले भृतिं त्यजन्सकलमेव

1. Kautilya–"Arthshastra"–Pt. III–Ch. XIV–Prakaran 66–1
2. Manusmriti–Ch. VIII–215
3. Yajnavalkyasmriti–Prakaran 16–193
4. Yajnavalkyasmriti–Prakaran 16–198

मूल्यं दद्यात्॥ राज्ञे च पणशतं दद्यात्)[5]. It was too harsh a punishment for the poor workers with scant means of living.

Narad had a peculiar method of forcing labourers to work. He observed that if a worker refused to do the work which he had promised to perform, he should be paid the wages in advance and on his failure, thereafter, to perform the work, a fine equivalent to double the amount of the wages should be imposed (कर्माकुर्वन्प्रतिश्रुत्य कार्यो दत्त्वा भृतिं बलात्। भृतिं गृहीत्वा कुर्वाणो द्विगुणं भृतिमावहेत्॥)[6]. The workers were thus forced to work.

Brahaspati surpassed all these law givers and laid down that if a worker failed to perform even a fraction of the work assigned to him, all his wages were to be forfeited and the worker could be sued for the offence in a court of law (भृतकस्तु न कुर्वीत स्वामिनः शाठ्यमण्वपि। भृतिहानिमवाप्नोति ततो वादः प्रवर्तते॥)[7]; and that a servant, who after getting his wages and while being in a position to work refused to do the work entrusted to him, could be forced not only to return the wages to the employer but also to pay a fine equivalent to double the amount of wages to the king. He could also be physically forced to do the work and if out of obstinacy and impertinence he continued to refuse to do it, all his wages could be forfeited and a fine of eight "Krishnalas" imposed by way of punishment (गृहीतवेतनः कर्म न करोति यदा भृतः॥ समर्थश्चेद्दमं दाप्यो द्विगुणं तच्च वेतनम्॥ गृहीतवेतनः कर्म त्यजन् द्विगुणमावहेत्॥ प्रतिश्रुत्य न कुर्याद्यः स कार्यः स्याद्बलादपि। सचेन्न कुर्यात्तत्कर्म प्राप्नुयाद्द्विशतिं दमम्॥ स दण्ड्यः कृष्णलान्यष्टौ न देयं चास्य वेतनम्॥)[8].

Punishment for careless performance of work :

Apart from making the workers liable for the non-performance of work, the State also made them liable for not performing the work well. The jurists were probably aware of the fact that a worker, if forced to work against his will, could cause damage by performing the work

5. Vishnusmriti–Ch. V–153. 154
6. Naradsmriti–Ch. VI–5
7. Brahaspatismriti–Ch. XVI–14
8. Brahaspatismriti–Ch. XVI–15 & 16

irresponsibly or carelessly; hence, they laid down very strict rules in order to refrain the workers from being careless in the performance of their duties. Not only their wages were withheld for such carelessness but they were forced to make good the loss and also to pay a fine to the king. It would be in the fitness of things, however, to see what punishment was prescribed for such offences.

We find Kautilya stating in his Arthshastra that seven days wages of any worker who did not perform the work or did it carelessly could be withheld and the work got done by other workers on payment of a fair wage (तेषामाधिः सप्तरात्रमासीत ततोऽन्यमुपस्थापयेत्॥ कर्म निष्पाकं च॥)[9]. The workers, however could not break or take away anything without the permission of the master. For violating this rule a fine of twentyfour "pana" was imposed (न चानिवेद्य भर्तुः संघः किंचित्परिहरेदपनयेद्वा॥ तस्यातिक्रमे चतुर्विंशतिपणो दण्डः॥)[10]. Similarly, Yajnavalkya also ordained that if a worker engaged to carry a vessel broke it deliberately (or if the breakage was not accidental or due to conditions beyond his control), he could be compelled to make good the loss; and if he tried to obstruct the transport of the articles double the amount of his wages could be realized from him (अराजदैविकं नष्टं भाण्डं दाप्यस्तु वाहकः। प्रस्थानविघ्नकृच्चैव प्रदाप्यो द्विगुणां भृतिम्॥)[11]. Here Yajnavalkya was probably referring to deliberate damage done or carelessness shown by the worker. Vishnu did not differ much from Yajnavalkya when he observed: तद्दोषेण यद्विनश्येत् स्वामिने॥ अन्यत्र दैवोपघातात्॥[12]; Narad also held a similar opinion: भाण्डं व्यसनमागच्छेद्यदि वाहकदोषतः। स दाप्यो यत्प्रणष्टं स्याद्दैवराजकृताहते॥[13].

It would thus appear from the above that not only the wages of the workers could be withheld for careless performance of the work entrusted to them but they could also be made to compensate the employers for the loss caused and also to pay a heavy fine to the king. These were heavy deterrents against irresponsible conduct on the part of the workers.

9. "Arthshastra"-Part III-Ch. XIV-15, 16, 17
10. Kautilya-"Arthshastra"-Part III-Ch. XIV-18, 19
11. Yajnavalkyasmriti-Ch. II-197
12. Vishnusmriti-Ch. V-155, 156
13. Naradsmriti-Ch. VI-9

Protection to workers against the master's failure to pay :

The laws in force were also meant for the protection of the workers and the employers were liable to punishment for failure to pay wages when due or for wrongly trying to throw the workers out of employment. We have already seen that wages had to be paid to the workers regularly, except under certain specified conditions. Kautilya prescribed a fine equivalent to a tenth part of the wages or six "pana" for any lapses, on the part of the employer, in the payment of wages (वेतनादाने दशबन्धो दण्डः षट्पणो वा ॥).[14]

Though Yajnavalkya did not make any provision for the punishment of the defaulting employers, yet he took necessary steps to provide for the restoration of wages due to the workers. Conditions thereafter had, probably, deteriorated a good deal because later Vishnu had to make provision for deterrent punishment to defaulting employers. A number of prohibitory rulings had also been laid down in Vishnusmriti ; for example, an employer could not dismiss a worker, before the expiry of the stipulated period, without giving him his full wages. In case of default or any deliberate violation of the law the employer was not only forced to restore the wages to the worker but also to pay a fine of one hundred "pana" to the king as is evident from the following : स्वामी चेद्भृतकमपूर्णे काले जह्यात्तस्य सर्वमेव मूल्यं दद्यात् ॥ पणशतं च राजनि ॥ अन्यत्र भृतकदोषात् ॥)[15].

Brahaspati was of the opinion that when an employer failed to pay wages to the workers after getting the work done, it was incumbent upon the king to force the employer to pay the stipulated wages to the workers and also to realize an equal amount from the employer by way of a penalty (कृते कर्मणि यः स्वामी न दद्याद्वेतनं भृतेः । राज्ञा दापयितव्यः स्याद्विनयं चानुरूपतः ॥)[16].

Thus, we find that an employer was liable to punishment if he failed to pay wages to his workers when due. We also find that wages could not be withheld and no

14. Kautilya–"Arthshastra"–Pt. II–Ch. 13-45
15. Vishnusmriti–Ch. V–157, 158, 159
16. Brahaspatismriti–Ch. XVI–18

deductions could be made from their wages for reasons other than those permitted under the laws in force. It would also appear, from what has just been said above, that one of the methods of bringing about peaceful relations, or of avoiding disputes between the employers and the employees in the past, was that of awarding deterrent punishment to the defaulters. It would be appreciated that such deterrents are employed even today in almost all the industrialized countries of the world. Employers can be prosecuted for delays and non-payment of wages or for unauthorized deductions. They are also not allowed to dismiss a worker without giving due notice or usually a months' pay by way of compensation. It would, however, be admitted that modern governments allow more latitude to the workers and their organizations than to the employers, whereas, in ancient India, the position was just the reverse.

Trade Union activity :

Trade Union methods and activities, like collective bargaining and concerted action against the employers, were not unknown in ancient India. We find Kautilya stating at one place—संघभृताः संभूयसमुत्थातारो वा यथासंभाषितं वेतनं समं वा विभजेरन् ॥[17]—which, perhaps, points to collective bargaining. It goes to prove that the workers, in ancient India, could settle their wages by collectively bargaining with their employers. Though collective bargaining was not a punishable offence under the laws in force, collective action with an intention of injuring the interests of the employer was legally punishable[18]. It may, also be stated that concerted action by the workers was considered to be a mild offence in comparison to individual action (which was rather heavily punishable).

Methods of promoting industrial peace :

The importance of harmonious relations between the employers and employees was realized, as early as the Vedic times, as appears from the following quotation from Yajurveda: अक्रन् कर्म कर्मकृतः सह वाचा मयोभुवा । देवेभ्यः कर्म कृत्वास्तं प्रेत सचाभुवः॥[19]. Apart

17. "Arthshastra"–Kautilya–Pt. III–Ch. 14-22

18. "Arthshastra"–Kautilya–Pt. III–Ch. 14–18, 19, 20

19. Yajurveda–Ch. III–47

from it, we find certain verses, in various ancient law books, which laid enough emphasis on the promotion and maintenance of harmonious labour relations and also laid down certain rules of conduct for promoting better relations. The procedure for the settlement of disputes was also prescribed. Thus, the disputes between the employers and the employees, were settled on the basis of the evidence of the witnesses, documents and possessions etc. (स्थावरेषु विवादेषु पूगश्रेणिगणेषु च। दत्तादत्तेषु भृत्यानां स्वामिनां निर्णये सति ॥)[20].

Besides settlement of disputes by the courts and the kings, disputes were also settled by arbitrators appointed to give their decisions. Though, we do not find any special mention of the words "arbitrators" or "wages boards" yet certain lines in 'Arthshastra" appear to be conveying an idea of the same. For example, at one place, in Kautilya's Arthshastra it has been stated that wages of the artisans, doctors, pleaders, servants etc. were paid according to the rates obtaining elsewhere or as decided by the "experts" (कारुशिल्पिकुशीलवचिकित्सकवागजीवनपरिचारकादिराशाकारिकवर्गस्तु यथाऽन्यस्तद्विधः कुर्याद्यथा वा कुशलाः कल्पयेयुस्तथा वेतनं लभेत ॥)[21]. The word "experts" (कुशलाः), it appears, is a pointer to the arbitrators or a board of arbitrators, who were qualified to decide such matters. It has so much similarity to the present day wage-boards.

Besides the settlement of disputes by experts, kings could also give their decisions particularly in those cases in which the experts could not come to any decision. When the matters could not be decided by the experts and the courts, an appeal lay to the king who decided the issues on the basis of the available evidence and documentary proof. This goes a long way to establish the case of state's interference in cases of prolonged disputes. Both, the kings and the courts of law, saw that justice was meted to all, for they believed in what Manu said regarding the supremacy of justice: धर्म एव हतो हन्ति धर्मो रक्षति रक्षितः। तस्माद्धर्मो न हन्तव्यो मा नो धर्मो हतोऽवधीत् ॥ [22].

20. Shukranitisara-Ch. IV-Pt. V-lines 517-520
21. Kautilya-"Arthshastra"-Pt. III-Ch. 13-42
22. Manusmriti-Ch. VIII-15

Brute force was often employed to meet the ends of justice. For example, we find written in Apastamba Dharmasutra that a servant who abandons his work should be flogged and the same punishment be given to a herdsman who leaves his work : (अवशिनः कीनाशस्य कर्मन्यासे दण्डताडनम् ॥ तथा पशुपस्य ॥)[23]. Brahaspatismriti differs slightly in this respect from Apastamba Dharmasutra as is clear from the following quotation : भृतकस्तु न कुर्वीत स्वामिनः शाठ्यमण्वपि । भृतिहानिमवाप्नोति ततो वादः प्रवर्तते । गृहीतवेतनः कर्म न करोति यदा भृतः । समर्थश्चेद्दमं दाप्यो द्विगुणं तच्च वेतनम् ॥ गृहीतवेतनः कर्म त्यजन् द्विगुणमावहेत् ॥ प्रतिश्रुत्य न कुर्याद्यः स कार्यः स्याद्बलादपि । स चेन्न कुर्यात्तत्कर्म प्राप्नुयाद्विंशतिं दमम् । स दण्ड्यः कृष्णलान्यष्टौ न देयं चास्यवेतनम् ॥ [24].

It, thus, makes it abundantly clear that peaceful relations between the employers and the employees were sought to be restored or preserved by force. It also makes it clear that human values were often not much respected. The ancient law-givers made provision for the enforcement of the contracts but a few of them ever cared to find out the reasons for the causation of such disputes.

Manu, however, could realize the importance of morale and motivation in the behaviour of man. Thus, he said: शुभाशुभफलं कर्म मनोवाग्देहसंभवम् । कर्मजा गतयो नृणामुत्तमाधममध्यमाः ॥ तस्येह त्रिविधस्यापि त्र्यधिष्ठानस्य देहिनः ॥ दशलक्षणयुक्तस्य मनो विद्यात्प्रवर्तकम् ॥[25] These lines prove that Manu could realize that action springs from the mind, speech and body and produces results which may be good or bad, and that the mind is the instigator of all actions including those connected with the body. While realising the importance of morale and motivation Manu failed to carry it further and apply this great truth to the problem of industrial relations. The reason for it could possibly have been the absence of the seriousness of the problem of such relations in his days.

Centuries after Manu, the author of Shukraniti could, however, lay his fingers on the troubled spot and thus ventured to analyse the causes of the disputes, ultimately coming to

23. Apastamba Dharmasutra–Prasana II–Patala 11–Khand 28–2.3

24. Brahaspatismriti–Ch. XVI–14, 15. 16

25. Manusmriti–Ch. XII–3. 4

the conclusion that frustration i. e., lack of psychological satisfaction, was at the root of all disputes. That is why he emphasized upon the necessity of paying sufficient wages to the workers : ये भृत्या हीनभृतिकाश्शत्रवस्ते स्वयंकृताः। परस्य साधकास्ते तु छिद्रकोशप्रजाहराः ॥ [26]. He was well aware that a worker kept on the mere subsistence level, was sure to get frustrated and would thus always be inclined to injure the interests of the employer ; hence he considered it necessary to strike at the root of all such troubles by making provision for the payment of higher and adequate wages, to keep the workers satisfied in the larger interests of the employers. Besides, he was also aware of the fact that frustration finds an outlet someday and then it can not be suppressed by force; it could only be avoided by keeping the workers content through fair wages and humane treatment.

At another place, Shukracharya stated that an employer brings in the attributes of an enemy in his workers by using harsh and abusive words or by giving low wages and severe punishment (वाक्पारुष्यान्न्यूनभृत्या स्वामी प्रबलदंडतः। भृत्यं प्रशिक्षेयन्नित्यं शत्रुत्वं त्वपमानतः ॥)[27]. He was thus, aware of the fact that the disputes could also be related to the personality of the workers; a worker, howsoever low placed in life, would get annoyed and develop the attributes of an enemy if he found his personality being abused and not being given due recognition. That is why, we find, that Shukracharya did not miss the opportunity of giving a timely warning to the employers against meting inhuman or unjust treatment to the workers. He opined that those workers who were kept satisfied with better wages and humane treatment and who were given due credit for their excellent work, could never desert their employers (भृतिदानेन संतुष्टा मानेन परिवर्धिताः। सांत्विता मृदुवाचा ये न त्यजंत्यधिपं हि ते ॥[28]. One of the important causes of the disputes in employment relations is the lack of personal relations between the employers and the employees. If the employer praises the worker for his good work, talks to him in a friendly way and shows

26. Shukraniti-Ch. II-lines 807, 808

27. Shukraniti-Ch. II-lines 836, 837

28. Shukraniti-Ch. II-lines 838, 839

that he is interested in his prosperity, the worker will have confidence in his employer, will respect him and will even be prepared to help him if he is in difficulty. Such ideas occurred to Shukracharya more than a thousand years ago' as a result of which he succeeded in laying down important and beneficial rules for promoting better labour relations. He aimed at developing the spirit of belongingness in both the employers and the workers for that alone could promote better relations between the two. "The best servant," he said, "was he who did not desert his employer when the employer was in trouble and the excellent employer was one who was prepared to sacrifice even his life for his servants" (भृत्यस्स एव सुश्लोको नापत्तौ स्वामिनं त्यजेत्॥ स्वामी स एव विज्ञेयो भृत्यार्थे जीवितं त्यजेत्॥)[29]. Shukracharya was of the opinion that if the employer was considerate towards his servants there could be no sane cause for the servant to desert his employer. Though other jurists had also laid down rules for bringing about harmonious relations between the employers and the employees, yet, it must be admitted that, Shukracharya's contribution in this field was unique.

29. Shukraniti–Ch. V – lines 112–113

CHAPTER VIII

Social Security In Ancient India

The concepts of "Welfare State" and social security measures, which appear to be of very recent origin, were well known to the people of India as far back as the 3rd century B.C.. It would not be a mistake to assert that provision for pensions, disablement benefits, sickness and maternity benefits, provident funds, maintenance allowances etc. were made in those good old days. It would, however, be relevant to point out that these measures were largely applicable to the workers in the employment of the State and not necessarily to all, though instances are not wanting where the employers provided maintenance to the families of old workers and to the workers themselves. Moreover, the institution of joint family, which had existed among Hindus, since the times immemorial, was in itself an important measure of social security which provided maintenance to the widows and orphans and to those disabled on account of old age or otherwise.

Among the ancient celebrities who distinguished themselves in jurisprudence and state-craft and also had the distinction of making provision of social security measures for the workers, the names of Kautilya, Manu and Shukracharya are outstanding; the work of Shukracharya, however, deserves special mention in this regard. Though it is believed in some quarters that, at the time Shukraniti came to the written, there must have existed an acute shortage of labour force because of which Shukracharya was compelled to make such elaborate provision for the labouring classes as he did; opinions are, however, divided on this point because it is believed that Shukracharya was backed by a genuine desire to do good as appears from some of the verses of Shukraniti.[1]

Sickness benefits :

People have, since the time immemorial, been exposed to all sorts of diseases and accidents; largely due to such

1. Shukraniti – Ch. II – lines 807, 808, 836 to 839 and Chapter V – lines 112 and 113

reasons the workers were often not able to present themselves for work (often for a number of days together) as a result of which they not only lost their wages but also their jobs. To protect them against such odds, some lawgivers made provision for the restoration of wages (for the period of absence) in case the workers returned to complete their work; some ordained the restoration of the wages only if the workers had proceeded on leave with the consent of the master; while some considered restoration of the jobs enough to meet the ends of justice. Thus, Manu suggested the restoration of wages for the period of the worker's absence due to illness, if he returned to complete his work, as is clear from the following–
आर्तस्तु कुर्यात्स्वस्थः सन्यथाभाषितमादितः। स दीर्घस्यापि कालस्य तल्लभेतैव वेतनम् ॥[2]
but the wages were not restorable if the worker did not return to complete his work on recovery (यथोक्तमार्तः सुस्थो वा यस्तत्कर्म न कारयेत्॥ न तस्य वेतनं देयमल्पोनस्यापि कर्मणः॥)[3]. Though the non-payment of wages during the period of illness would have presented some difficulty to the workers, the fundamental fact that wages were payable for the period of illness deserves appreciation. It has resemblance to the sickness benefits which are paid in our times. Shukracharya was of the opinion that no deductions ought to be made from the wages of a servant who had been ill for a week (नैव पक्षार्धमार्तस्य ह्यातव्याल्पापि वै भृतिः॥)[4]. In cases of prolonged illness servants, who had put in more than five years of service, were entitled to three-fourths of their usual wages for three months; but in no case sickness benefits (or wages for the period of illness) were payable for more than six months (पादहीनां भृतिं त्वार्ते दद्यात् त्रैमासिकीं ततः। पंचवत्सरभृत्ये तु न्यूनाधिक्यं यथा तथा। षाण्मासिकीं तु दीर्घार्ते तदूर्ध्वं न च कल्पयेत्॥)[5]. These regulations bear ample testimony to the fact that sickness benefits were paid to the workers in ancient India

Maternity benefits :

Apart from sickness benefits, women workers were also in receipt of maternity benefits. The employers were charged

2. Manusmriti–Ch. VIII – 216
3. Manusmriti–Ch. VIII – 217
4. Shukraniti - Ch. II – lines 822
5. Shukraniti – Ch. II – lines 819–821

with the obligation of providing all such facilities as women workers might require during their confinement. A further obligation was laid on the masters to make all necessary arrangements for those women slaves whom they wished to sell off while they were in the family way, as is clear from the following quotation from Kautilya's Arthashastra : सगर्भामप्रतिविहितगर्भभर्मण्यां विक्रयाधानं नयतः पूर्वः साहसदण्डः क्रेतृश्रोतृणां च ॥[6]. It also appears from the above that failure to make such arrangements was heavily punishable under the Kautilyan Law.

Pensions and old age benefits :

It appears from Shukraniti that provision for old age was also made in ancient India and the facilities of both, pensions and provident funds, were given particularly to those in the employment of the State. Thus, we find stated in Shukraniti : चत्वारिंशत् समा नीतास्सेवया येन वै नृपः। ततस्सेवां विना तस्मै भृत्यर्धं कल्पयेत् सदा ॥[7]—the idea of the payment of pensions equal to half the wages to persons who had served for forty years is unmistakeably suggested here.

Similarly, the idea of deductions from wages by way of contributions to the provident funds is suggested by the following verse : षष्ठांशं वा चतुर्थांशं भृतेर्भृत्यस्य पालयेत्। दद्यात् तदर्धं भृत्याय द्वित्रिवर्षैऽखिलं तु वा ॥[8] meaning thereby that the employer could deduct one sixth or one fourth of the wages of the workers and pay back half or the full amount after two or three years. Thus, we find that the workers could, in a way, be compelled to save something every month which served as a provision for their future. We would, hence, be justified in saying that pensions or provident funds, were not unknown to the ancient Indians.

Family pensions and Maintenance allowances :

Kautilya and Shukracharya had also promulgated rules providing for family pensions and maintenance allowances to the widows or orphans; widows and minor children of the

6. "Arthshastra"-Pt. II-Ch. 13-27
7. Shukraniti-Ch. II-lines 826-827
8. Shukraniti-Ch. II-834-835

workers could thus be saved from becoming destitutes in case of death of their bread-winners. Thus, according to Kautilya, the wages of those who died in harness were payable to their wives or children and the King (or the employer) was charged with the duty of being kind to the children, aged and diseased dependants of the deceased workers, and of giving financial help to the workers in cases of births or deaths in their families. In case the King (or the employer) fell short of cash he could make such payments in kind (e g. cattle, land etc.), but large payments in gold were not permitted as is evident from the following: कर्मसु मृतानां पुत्रदारा भक्तवेतनं लभेरन्॥ बालवृद्धव्याधिताश्चैषामनुग्राह्याः॥ प्रेतव्याधितसूतिकाकृत्येषु चैषामर्थमानकर्म कुर्यात्॥ अल्पकोशः कुप्यपशुक्षेत्राणि दद्यात्॥ अल्पं च हिरण्यम्॥[9]. The idea was probably to provide them with permanent means of livelihood.

While studying women labour in ancient India (Chapter VI) a reference was made to the employment of helpless widows and virgins in the spinning factories run by the State. Since Kautilya was not in favour of paying any wages or allowances without work he ordained that widows, disabled women, virgins, women ascetics, convicts, old prostitutes and Devadasis etc. could be employed to spin yarn from wool, pulp, jute and cotton, so that they could earn their own and their children's living (ऊर्णावल्ककार्पासतूलशणक्षौमाणि च विधवान्यङ्गाकन्याप्रव्रजितादण्डप्रतिकारिणीभी रूपाजीवामातृकाभिर्वृद्धराजदासीभिर्व्युपरतोपस्थानदेवदासीभिश्च कर्तयेत्॥)[10].

In the same chapter, at another place, Kautilya observed: याश्चानिष्कासिन्यः प्रोषितविधवा न्यङ्गाः कन्यका वाऽऽत्मानं बिभृयुस्ताः स्वदासीभिरनुसार्य सोपग्रहं कर्म कारयितव्याः॥[11]—meaning thereby, that those women, whose husbands were abroad, or dead, and those virgins and disabled women, who wanted to earn their living by working in purdah could be thus employed by the Sutradhyaksha. A little thought would make it clear that Kautilya did so with the intention of providing maintenance to helpless women and saving them from becoming

9. Kautilya-"Arthshastra" -Part V - Ch. III - 29-33

10. Kautilya-"Arthshastra" - Pt. II - Ch. 23 - Prakaran 40-2

11. Kautilya-" Arthshastra" - Pt. II - Ch. 23-12

destitutes and dependant on others. It was also consistent with his policy of "no work no wages" (कृतस्य वेतनं नाकृतस्यास्ति ॥)[12]. Such a provision could well be claimed as an important measure of social security.

Shukracharya, on the other hand, had made provision not only for the payment of old age pensions to those workers who had served for forty years, but also for the payment of family pensions or maintenance allowances in the event of the worker's death. Thus, in the event of the death of the worker, half the wages were payable to his wife, well-behaved daughters and minor sons, as is evinced by the following verses :

चत्वारिंशत् समा नीतास्सेवया येन वै नृपः।
ततस्सेवां विना तस्मै भृत्यर्धं कल्पयेत् सदा ॥
यावज्जीवं तु तत्पुत्रेऽक्षमे बाले तदर्धकं।
भार्यायां वा सुशीलायां कन्यायां वा स्वश्रेयसे ॥ [13]

Similarly, a provision was also made to the effect that the employer could continue to give full wages to the minor son, of the worker (who had died in harness), as long as he was not of age. On his becoming of age his wages could be fixed in accordance with his qualifications (स्वामिकार्ये विनष्टो यस्तत्पुत्रो तद्भृतिं वहेत्। यावद्बालोऽन्यथा पुत्रगुणान् दृष्ट्वा भृतिं वहेत् ॥)[14]. It may, thus, be concluded that the son of the worker was also assured of his hereditary occupation and was also spared of the trouble of searching out a job for himself.

Unemployment Insurance :

There was, in a way, provision for unemployment insurance as well, in ancient India. Any unemployed person could go to any rich man and embrace his slavery either for maintenance or for a wage by saying to him "I am thine" ; and could get manumission on giving up the maintenance, whenever he succeeded in getting employment elsewhere, or in overcoming his distress. Though it was not a very honourable way of getting rid of unemployment yet it must

12. Kautilya-"Arthshastra"-Pt. III-Ch. XIV-Prakaran-66-10
13. Shukraniti-Ch. II-lines 826-829
14. Shukraniti-Ch. II-lines 832-833

be said that people were saved of the pangs of hunger and starvation.

It may also be stated that, besides the State governments and the employers, the guilds of artisans or workers also did all within their powers for the welfare and prosperity of their members or for the families of their members.

It would thus appear, that social security measures were not unknown to the ancient Indians and that the State governments, in those days performed most of those tasks which are regarded as enlightened, though onerous, and of recent origin by modern governments.

CHAPTER IX

The Labour In Guilds

It is proposed to study, in this chapter, the conditions of labour in guilds. According to Prof. K. T. Shah "The more directly economic institutions of ancient times, even now not quite without their vitality, may be found in the workers or craftsmen's guilds, which may be compared with the present-day labour organizations"[1]. In fact guilds were not essentially economic but also political bodies; for besides guilds of artisans, craftsmen, workers, merchants, traders etc., there were guilds of villagers, forest police and even of robbers and free booters. In some cases guilds of villagers worked as auxiliaries to the King and helped him in his administration. These guilds were small autonomous units, organised by the men of different vocations, for their own collective benefits. We shall, however, be concerned here only with the working of the guilds of workers, artisans or craftsmen though a passing reference to other guilds may also be necessitated. As already stated, artisans and craftsmen have been regarded as workers for two reasons: primarily, because, in spite of the fact that they had shares in the guilds, they normally worked for wages under the guidance of the head craftsmen and, secondly, because the labour of these persons was essentially productive.

Though in the Rig-Vedic times we do not find any clear reference to the existence of guilds yet certain passages of the Veda give an idea of the existence of guilds as far back as 800 B. C. and even earlier (Rig-Veda V-53; X-34; Yajurveda XXIII-19.1). References are also found in the Brihadaranyak Upanishad (I.4-12). In the post-Vedic period, however, we find immense development of the guilds in the economic sector, particularly as the organizations of the merchants and artisans. We come to know from the Mugapakkha Jataka about the existence of 18 guilds [2] but a

1. "Ancient Foundations of Economics in India"-K. T. Shah (published by Vora & Co., Bombay)-1954-Page-49
2. "Buddhist India"-Rhys David-Chapter VI

more comprehensive list of 27 guilds has been given by Prof. R. C. Mazumdar in his book "Corporate life in Ancient India."[3] He found from various epigraphic sources and Jatakas etc., that in the post-Vedic period guilds of the persons engaged in the following occupations existed:

(1) "Workers in wood (Carpenters, including Cabinet makers, wheel-wrights, builders of houses, builders of ships and builders of vehicles of all sorts);
(2) "Workers in metal, including gold and silver;
(3) "Workers in stone;
(4) "Leather workers;
(5) "Ivory workers;
(6) "Workers fabricating hydraulic engines (Odayantrika);
(7) "Bamboo workers (Vasakara);
(8) "Braziers (Kasakara);
(9) "Jewellers;
(10) "Weavers;
(11) "Potters;
(12) "Oilmillers (Tilapishaka);
(13) "Rush workers and basket makers;
(14) "Dyers;
(15) "Painters;
(16) "Corn-dealers;
(17) "Cultivators;
(18) "Fisher-folk;
(19) "Butchers;
(20) "Barbers and shampooers;
(21) "Garland makers and flower sellers;
(22) "Mariners;
(23) "Herdsmen;
(24) "Traders, including Caravan traders;
(25) "Robbers and freebooters;
(26) "Forest police who guarded the caravans;
(27) "Money-lenders";

3. Pages 18-19

To make the list still more comprehensive, we may also add the guilds of the soldiers to which we find references in Mahabharat (Vana-Parvan CCXLVIII-16 and Santi-Parvan LIV-20) and in the Ramayana (Ayodhya Kanda CXXIII).

It appears from various accounts that guilds were prominent institutions in ancient India, as early as the 6th and 7th centuries B. C. Dr. Richard Fick considered that in Buddha's times a clear distinction could be made between the guilds of the artisans and of the traders in as much as the traders organized themselves in a corporation—headed by a Jetthaka (Alderman)—which were not much developed, while the guilds of the artisans were marked with such characteristics as the heredity of the occupations and the localization of the different branches of industry. Localization of the industries and consequently of the artisans engaged in different industries was a common feature. It was carried on to such an extent that streets and particular quarters in a town and even some villages were inhabited by the workers engaged in a particular branch of industry. Dr. Richards' contention is also confirmed by various Jatakas e. g. Samudda-Vanija Jataka.

We find ample evidence of the fact that guilds had gained autonomy and were fast developing during the 5th to 3rd centuries B. C. For example, we find, in Gautama Dharmasutra, laid down "कर्षकवणिक्पशुपालकुसीदिकारव: स्वे स्वे वर्गे। तेभ्यो यथाऽधिकारमर्थान्प्रत्यवहृत्य धर्मव्यवस्था ॥"[4] meaning thereby, that the agriculturists, merchants, herdsmen, moneylenders and artisans may lay down rules for the guidance of their classes; in cases of disputes the ruler would give his decision only on ascertaining the exact position from the head of each class. It, thus, appears from it that the guilds of artisans, traders etc. had perfect autonomy for they could lay down rules for their own guidance and observance ; it is also known that the guilds formed a part of the complex organization of the State whereby the King sought to secure and maintain those conditions of life and work which were essential for the progress of the individuals and the State.

4. Gautam Dharamasutra-Ch. XI - 23-24

Kautilya, who is considered to have belonged to the 3rd Century B. C. had laid down various rules, in his "Arthshastra" for the regulation of guilds. He stated that guilds of artisans or workers etc. were to be controlled and directed by boards consisting of three Pradeshtas and also referred to the entrance or membership fee which was to be deposited with the head or the senior members of the guild who were supposed to be trustworthy people (प्रदेष्टारस्त्रयो वामात्याः कण्टकशोधनं कुर्युः ॥ अर्थ्यप्रतीकाराः कारुणसितारः संनिक्षेप्तारः स्ववित्तकारवः श्रेणी-प्रमाणा निक्षेपं गृह्णीयुः ॥)[5 & 6]. These deposits were most probably kept in a reserve and could be paid back to the depositor whenever he was in need as is evident from विपत्तौ श्रेणी निक्षेपं भजेत् ॥[7]. Kautilya observed that the artisans could take up a job, under such Boards, after settling the place, time and work (निर्दिष्टदेशकाल-कार्यं च कर्म कुर्युः ॥)[8]; those who failed to settle the terms and to present themselves in time to work were punished with one fourth cut in their pay or with a fine equivalent to twice the amount of the wage (अनिर्दिष्टदेशकालकार्यापदेशं कालातिपातेन पादहीनं वेतनं तद्द्विगुणश्च दण्डः॥)[9]. Delay in presenting oneself for work was, however, pardonable if it was caused due to some obstruction by any beast or due to some natural calamity.[10]

The worker had to make good any loss or damage caused by his fault (नष्टं विनष्टं वाभ्याभवेयुः ॥).[11] If, however, the work was wrongly done the worker was not only not given his wages but was also punished with a fine equivalent to twice the amount of the wage (कार्यस्यान्यथाकरणे वेतननाशस्तद्द्विगुणश्च दण्डः ॥)[12]. Apart from it, no person who was healthy and physically fit could leave the work unfinished and if he did so, he was punished with a fine of 12 pana (प्रक्रान्ते तु कर्माणि स्वस्थस्यापक्रमतो द्वादशपणो दण्डः ॥)[13] for it was not upto

5. & 6. Kautilya–"Arthshastra"–Pt. IV–Ch. I–Prakaran 73–1 and 2

7. Kautilya–"Arthshastra"–Pt. IV–Ch. I–3

8. Kautilya–"Arthshastra"–Pt. IV–Ch. I–4

9. Kautilya–"Arthshastra"–Pt. IV–Ch.–I–5

10. Kautilya–"Arthshastra"–Pt. IV–Ch.–I–6

11. Kautilya–"Arthshastra"–Pt. IV–Ch. I Prakaran 73–7

12. Kautilya–"Arthshastra"–Pt. IV–Ch. I–8

13. Kautilya–"Arthshastra"–Pt. III–Ch. XIV Prakaran 66–27

anybody's will to leave the work as such (न च प्राकाम्यमपक्रमणे ॥).[14] Kautilya was of the opinion that a member of the guild could be excused once for committing a theft or for doing something wrong, if he admitted his fault, but in case he committed the crime again, or if the offence was of a serious nature, he was to be treated as a criminal (चौरं त्वभयपूर्वं कर्मणः प्रत्यंशेन ग्राहयेद्दद्यात्प्रत्यंशमभयं च ॥ पुनः स्तेये प्रवासनमन्यत्र गमनं च ॥ महापराधे तु दूष्यवदाचरेत् ॥)[15].

Whatever was earned by the guild belonged to its members or workers and could be distributed equally among them all (संघभृताः संभूयसमुत्थातारो वा यथासंभाषितं वेतनं समं वा विभजेरन्॥).[16]

Further evidence regarding guild organizations is available in Manusmriti. Manu, like his predecessors, desired the persons belonging to a guild (or Gana), to be loyal to their organiztaion. Failure to abide by the rules and the constitution (to which they had sweared) and failure to be sincere to work and honest in dealings were serious and punishable offences. Such defaulters could be imprisoned, fined and even out-lawed (यो ग्रामदेशसंघानां कृत्वा सत्येन संविदम्। विसंवदेन्नरो लोभात्तं राष्ट्राद्विप्रवासयेत्॥ निगृह्य दापयेच्चैनं समयव्यभिचारिणम्॥ चतुःसुवर्णान् षण्निष्कांच्छतमानं च राजतम्॥).[17]

Other lawgivers, who succeeded Manu, for instance Vishnu, Yajnavalkya etc., also held similar opinions. Yajnavalkya held that the property of any person, who embezzled the belongings of a guild, was to be confiscated and that person turned out of the country; similarly, a person who deliberately contravened the rules, and did not perform the duties, to which he had previously sweared an allegiance, could be punished with the first amercement (गणद्रव्यं हरेद्यस्तु

14. Kautilya-"Arthshastra"-Pt. III-Ch. 14-28

15. Kautilya-"Arthshastra"-Pt. III-Ch. 14-29 - 31

16. Kautilya-"Arthshastra"-Pt. III-Ch. 14-22

17. Manusmriti - Ch. VIII - 219. 220-Kulukbhatta in his commentary states:

"ग्रामदेशशब्दाभ्यां तद्वासिनो लक्ष्यन्ते। संघो वणिगादिसमूहः इदमस्माभिः कर्तव्यं परिहार्यतामित्येवंरूपं संकेतं सत्यादिशपथेन कृत्वा तन्मध्ये यो नरो लोभादिना निष्कामेत्तं राजा राष्ट्रान्निर्वासयेत्॥"

संविदं लङ्घयेच्च यः । सर्वस्वहरणं कृत्वा तं राष्ट्राद्विप्रवासयेत् ॥ कर्तव्यं वचनं सर्वैः समूहहितवादिनाम् ॥ यस्तत्र विपरीतः स्यात्स दाप्यः प्रथमं दमम् ॥).[18]

A reference to guilds is found in various chapters of Mahabharata also. The fact that the guilds had the support and recognition of the monarchies is evidenced from some portions of Mahabharata.[19]

We find in Mahabharat that forsaking one's duty towards one's guild was considered to be a sin which could never be expiated (जाति श्रेण्यधिवासानां कुलधर्मांश्च सर्वतः । वर्जयन्ति च ये धर्मं तेषां धर्मो न विद्यते ॥.)[20]

The works of Narad and Brahaspati also bear proof of the existence of guilds in ancient India. The guilds, according to these scriptures, had perfect autonomy and laid all the rules for their own conduct. The King approved of all such rules and regulations regarding the duty, behaviour and mode of living of the members of the guilds, unless these were opposed to the interests of the State, in which case the King had the authority of preventing the guilds from framing such rules and regulations यो धर्मः कर्म यच्चैषामुपस्थानविधिश्च यः । यच्चैषां वृत्त्युपादानमनुमन्येत तत्तथा ॥ नानुकूलं च यद्राज्ञा प्रकृत्यवमतं च यत् । बाधकं च यदर्थानां तत्तेभ्यो विनिवर्तयेत् ॥)[21]. The King could also prevent anything that was being done illegally or with the intention of harming somebody.[22]

In order to promote better relations in the guilds it was ordained by Narad that the persons creating dissensions among the inmates of a guild ought to be heavily punished for if they were allowed to go unpunished, there was every likelihood of their proving as dangerous as an epidemic. He further observed that any King, who desired prosperity, was to see that no such act, which was opposed to the dictates of

18. Yajnavalkyasmriti–Vyavaharadhyaya–Prakaran 15-187-188
19. Mahabharat–Ashramvasika Parva-Chapter 7–7.8.9
20. Mahabharat – Shantiparva Ch. 36–19
21. Naradsmriti – Ch. X – 3.4
22. Naradsmriti – Ch. X – 5
"मिथः संघातकरणमहितं शस्त्रधारणम् । परस्परोपघातं च तेषां राजा न मर्षयेत् ॥"

morality, was allowed to be done (पृथग्गणांश्च ये भिन्द्युस्ते विनेया विशेषतः। आवहेयुर्भयं घोरं व्याधिवत्ते ह्युपेक्षिताः॥ दोषवत्करणं यत्स्यादनाम्नायप्रकल्पितम्। प्रवृत्तमपि तद्राजा श्रेयस्कामो निवर्तयेत्।).[23]

Brahaspati was of the opinion that by mutual agreement guilds of artisans etc. could be formed with a view to have collective security against odds;[24] such an agreement was based on mutual confidence which could be gathered by having a contract in writing or by agreeing in the presence of a mediator or by undergoing an ordeal. No work was, however, to be commenced till such confidence was established (कोशेन लेख्यक्रियया मध्यस्थैर्वा परस्परम्। विश्वासं प्रथमं कृत्वा कुर्युः कार्याण्यनन्तरम्)[25].॥ Brahaspati did not also fail to warn people against taking in of very old or very young men or bashful, indolent and avaricious persons as members of the guilds (विद्वेषिणो व्यसनिनः शालीनालसभीरवः। लुब्धातिवृद्धबालाश्च न कार्याः कार्यचिन्तकाः॥)[26] probably, because such persons were not worthy of trust.

Regarding the management of guilds, Brahaspati observed that the guilds were managed by a head supported by some other members. Only those persons who belonged to good families and who were learned in the Veda, trustworthy, skilled and capable, could be appointed as the heads of the guilds (शुचयो वेदधर्मज्ञा दक्षा दान्ताः कुलोद्भवाः। सर्वकार्यप्रवीणाश्च कर्तव्यास्तु महत्तमाः॥).[27] The head of the guild was, however, not the sole dictator. He was assisted by two, three or five persons chosen from among the members of the guild, (द्वौ त्रयः पञ्च वा कार्याः समूहहितवादिनः। कर्तव्यं वचनं तेषां ग्रामश्रेणिगणादिभिः॥).[28] Though he referred to the village guilds in particular yet these rules were equally well applicable to the guilds of the artisans.

Severe punishment was awarded for breaking of the agreement or the rules for the performance of work and for creating dissension. The punishment varied from a fine to banishment and confiscation of property. Any person who

23. Naradsmriti – Ch. X – 6.7
24. Brahaspatismriti – Ch. XVII–5.6
25. Brahaspatismriti – Ch. X – 7
26. Brahaspatismriti – Ch. X – 8
27. Brahaspatismriti – Ch. XVII – 9
28. Brahaspatismriti – Ch. XVII – 10

failed to keep the agreement (though capable of keeping it) was punished with the confiscation of property and banishment from the town (पालनीयाः समर्थैस्तु यः समर्थो विसंवदेत्। सर्वस्वहरणं दण्डस्तस्य निर्वासनं पुरात्॥)[29]; and any person who quarelled with his inmates or who neglected his work was fined twenty four "nishkas" (तत्र भेदमुपेक्षां वा यः कश्चित्कुरुते नरः। चतुःसुवर्णाः षण्निष्कास्तस्य दण्डो विधीयते॥).[30] To create anomalies among the members of the guild or to oppose, inimically, the guild or the King was a crime heavily punishable under the law in force.[31] The heads of the guilds were charged with the duty of suppressing the ill-willed or malicious persons and whatever they did, whether harsh or kind, to the members of the guilds, in this regard, was usually approved by the King (कुलश्रेणिगणाध्यक्षाः पुरदुर्गनिवासिनः। वाग्धिग्दमं परित्यागं प्रकुर्युः पापकारिणाम्॥ तैः कृतः च स्वधर्मेण निग्रहानुग्रहो नृणाम्। सराज्ञाऽप्यनुमन्तव्यो निसृष्टार्था हि ते स्मृताः॥).[32]

Apart from all this, if the head of the guild tried to hurt any member of the guild, the State came to the protection of the member and punished such intent if he continued to show the same attitude (बाधां कुर्युर्यदेकस्य सम्भूता द्वेषसंयुताः। राज्ञा ते विनिवार्यास्तु शास्याश्चैवानुबन्धिनः॥)[33]. Similarly, if something was disputed between the workers and the head of a guild, the King tried to bring about a conciliation and send them back to work (मुख्यैः सह समूहानां विसंवादो यदा भवेत्। तदा विचारयेद्राजा स्वमार्गे स्थापयेच्च तान्।).[34]

We, thus, find that the internal troubles of the guilds (whose members were their own employers and employees) were settled either by the heads of the guilds or by the King if the matters took a serious turn or if the heads of the guilds failed to be impartial. The members of the guilds could punish their heads for any heinous crime or for creating dissensions among the members of the guild or for destroying

29. Brahaspatismriti – Ch. XVII – 13
30. Brahaspatismriti – Ch. XVII – 14
31. Brahaspatismriti – Ch. XVII – 16
32. Brahaspatismriti – Ch. XVII – 17. 18
33. Brahaspatismriti – Ch. XVII – 19
34. Brahaspatismriti – Ch. XVII – 20

the property of the guild. Katyayana in his Vivadratnakar refers to the right of the guild to punish its head (मुख्यदण्डने समूहस्यैवाधिकारः ॥) and Mitramisra in further clarification of Yajnavalkya's verse (गणद्रव्यं हरेद्यस्तु संविदं लङ्घयेच्च यः सर्वस्वहरणं कृत्वा तं राष्ट्राद्विप्रवासयेत् ॥)[35] quotes the following from Katyayana— साहसी भेदकारी च गणद्रव्यविनाशकः । उच्छेद्य सर्व एवैते विरव्याप्यैव नृपे भृगुः ॥—which means that any head of the guild, or any one who was found guilty of any crime or who tried to injure the interests of the guild could be removed by its members and the notice of the same given to the King. The King could punish only when the guilds found themselves weak to do so (समूहाशक्तौ तस्य दण्डो राज्ञा विधेयः ।). In Katyayana's Vivadratnakar, we find at one place stated : युक्तियुक्तं च यो हन्याद्वक्तयों नावकाशदः । अयुक्तं चैव यो ब्रूयात् प्राप्नुयात् पूर्वसाहसम् ॥—meaning thereby that if the head of the guild injured any person for saying something reasonable or if he obstructed or abused the speaker while he was saying something reasonable, he was punished. It probably points towards the impeachment of the head of the guild in a general assembly of the members where the head could get annoyed and thus hurt or abuse the speaker. The members were, thus, protected against the wide powers of the heads of the guilds. Democracy was thus safeguarded.

We find further references to guilds in the latter centuries as well. Various inscriptions for example, Indore Copper Plate Inscription of Skanda Gupta dated 465 A. D., Mandasor stone inscription of Kumaragupta and Bandhuvarman, inscription at the Vaillabhatta—Svamin temple at Gwalior dated 877 A. D., Harsha stone inscription. Siyadoni Inscriptions and Karitalai Stone Inscription of Chedi Lakshmanraja of about the same period, go to prove the existence of guilds in the latter centuries.

From whatever has been discussed above it, may be concluded that guilds were not only the village or political organisations but organizations of artisans and workmen as well. The members of theguilds were their own employers. They carried on production work and employed their own capital and labour. They were thus in the position of both the employers

35. Yajnavalkyasmriti-Ch. II - 187

and the wage-earners. Everything was based on mutual confidence; every one worked for the good of all. The main purpose of the guilds was collective security of life and property and freedom of thought, speech and action and freedom from want and misery. Though they worked for wages, yet whatever they earned or produced or received belonged to them all. Their close collaboration in work and daily life brought the family touch in their guilds, as a result of which the personality of each worker received its due recognition and the worker never suffered from a "fear psychosis"; he had rather, imbibed in him a confidence which prevented him from getting frustrated.

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